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ASIATIC SOCIETY  
OF JAPAN

JAPANESE GOVERNMENT DOCUMENTS

EDITED, WITH AN INTRODUCTION

BY

W. W. McLAREN, Ph.D.

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ERRATA

- Page 40. For "10" read "9."  
" 41. For "11" read "10."  
" 89. For "18" read "17"; and for "Rehabilitation"  
read "Rehabilitation."  
" 302. For "31" read "37."

ABBREVIATIONS

- H-Z.* Hōrei-Zensho, Complete Collection of Laws and Ordinances.  
*M.S.Y.* Meiji-Shi-Yo, Collection of Laws of Meiji.  
*J.W.M.* Japan Weekly Mail.

## PREFACE.

This collection of documents illustrates a brief but highly important period of about twenty-two years (1867-1889) in the history of modern Japan. During these years there was to be seen on one hand, the destruction of the old order, and on the other, the creation of a new. In the first of these processes our interest is very limited, and ends with the clearing away of the feudal institutions of government in 1871. That the spirit of feudalism continued to animate the nation is no mere conjecture; but the manifestations of that spirit or the means adopted to foster or destroy it can hardly be shown by presenting relevant documents. It is the second of the processes, the reconstruction of the institutions of government, which holds our attention until the climax was reached in 1889. Here again it is necessary to indicate limits upon the scope of the documents, only the organisation for central and local government having been illustrated. The executive and legislative branches of government have received about equal treatment, whereas the judicial has been almost entirely neglected; two documents, the "Law of the Organisation of the Courts of Justice," and "Regulations for carrying out the Law of the Organisation of the Courts of Justice," contain all the information which is given on that subject.

In dealing with the legislative branch of government I have given not only the documents which provide for the organisation of the various legislative bodies, but some others which serve to display the nature of the efforts of the people to obtain representative institutions and of the Government to prevent the too precipitate fulfilment of such popular desires. In the appendix will be found a number of speeches, papers, memorials and



miscellaneous documents that seemed too interesting or too useful to omit, and for which no other suitable place could be found.

For the arrangement of the documents I must accept entire responsibility. My object has been to enable the student to follow chronologically the process by which the feudal system was destroyed, the administration, whether central or local, gradually organised, and the popular element cautiously admitted to some slight power in legislation. Explanations and cross references I have added in footnotes. I likewise accept all responsibility for the views expressed in the Introduction.

With few exceptions the documents are drawn from public sources. In each case the reference is given either to the *Hōrei-Zensho* (Complete Collection of Laws and Ordinances) or the *Meiji-Shi-Yo* (Collection of Laws of Meiji), or else the number and date of issue of the law is specifically stated. As for the translations, many are copied from the files of the *Japan Weekly Mail*, others are official, and the remainder were made for me by Mr. Iwao Murata, an Instructor in Keiōgijuku. While I am not able to vouch for the absolute accuracy of any of the translations, I have no reason to suppose that any serious errors have been made in them.

It only remains to thank the officers and members of the Council of the Asiatic Society of Japan for the interest which they have displayed in the work of compiling this collection, and for the advice and direction which I have received from them and especially from the retiring President, Mr. J. C. Hall; and to express my gratitude to Dr. D. S. Spencer, of Nagoya, for compiling the index.

W. W. McLAREN.

Tōkyō, April 1914.

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## INTRODUCTION.

### I.

#### THE RESTORATION: GENERAL SURVEY.

A more unusual alignment of the governing authorities of a State than that which existed in Japan during the second half of the Tokugawa period it would be difficult to conceive, nor would it be easy to find in the history of feudal Europe anything analogous to it. In addition to the *de facto* and *de jure* sovereigns, the former with his capital in Yedo, the latter in Kyōto, there were nearly three hundred daimyō who exercised more or less complete sovereign rights in their respective fiefs. To the ordinary samurai his immediate over-lord was the most powerful of the three authorities, and his allegiance was first and always to his daimyō. But if the clan tie was strongest, the tie which bound him in reverence to the Emperor in Kyōto was sacred, while fear often combined with enmity filled him when he thought of the Yedo Government. Nor were the daimyō in a much simpler position; the Emperor was to them a monarch descended from the Gods, whom they worshipped upon occasions but could always safely disregard; while the Shōgun was a usurper whom they hated but of necessity obeyed. The relations between the Imperial Court and the Yedo Administration were naturally those of a victim and its tormentor. Openly observing the forms of obedience and reverence, the Shōgun's Government merely tolerated the Court and kept alive the institution of the monarchy mainly from fear of the dangers involved in destroying it. The lower orders of the people—who after all constituted more than ninety per cent.<sup>1</sup> of the nation—the

1. The Court Nobility was composed of about 150 families, the feudal aristocracy of about 300 daimyō families and 400,000 samurai households, in all not more than 2,000,000 out of the 31,000,000 people at the time of the Restoration.



peasants, artisans, merchants and traders, owed an undivided allegiance to their over-lords, if they may be said to have had any political status whatever. Certainly the agricultural peasants were a race of serfs or slaves whose only function in the national economy was to furnish the taxes which supported the privileged orders.

In broadest outline such was the Japanese polity during the latter half of the Tokugawa regime. To understand it fully is at present impossible, for the detailed history of the various clans and even of the Court or the Shōgunate has not yet been written, nor do we know enough about Japanese feudalism to appreciate the conditions which produced this polity. By what processes of development or decay, in accordance with what customs and traditions the system grew up and crystallised belongs to the study of the period antecedent to 1867. What interests us is the fact that in 1867 the Emperor was suddenly thrust forward into the position of a *de facto* Sovereign, the Shōgunate as suddenly destroyed, thus leaving one central authority, the Emperor, and the various local authorities, the daimyō. The chain of consequences which followed upon that event during a period of some twenty-two years we shall briefly outline. The immediate causes of the Restoration movement have been given in such detail<sup>1</sup> that no new facts will be forthcoming except as the result of a very careful search through the family papers of the men who played the leading rôles in it. For the present the historian must be content with distributing the emphasis to suit his point of view.

At the zenith of its power the Tokugawa Government was strong enough to rule the entire country, leaving only purely local affairs to the discretion of the feudal lords. The national

1. *Wade the Genji Yama Monogatari and the Kinse Shirakoku* translated by Sir Ernest Satow and published in the *Japan Weekly Mail* for 1871 and 1872 respectively, and afterwards separately; also Gubbins, *Progress of Japan, 1853-1871*, Oxford, 1911. Murdoch's forthcoming Volume III. of his *History of Japan* will cover the whole Tokugawa period.

policy was dictated from Yedo and enforced by the Yedo authorities. The clans were held in submission by the enforced residence of the daimyō in Yedo and the Court was cowed into submission by the presence in Kyōto of the Shōgun's representative. Japan was closed to foreign intercourse, except for a limited trade with the Dutch and Chinese, but within the country the native arts and handicrafts were encouraged and developed to a high state of perfection among the common people, and for the feudal aristocracy an interest in literature and military pursuits was fostered both by the rules of their caste and the system of education. To secure peace and order and to prevent the increase of dangerous wealth or knowledge was evidently the aim of the Tokugawa system.

Even under the most stationary conditions, however, the equilibrium of the power in a state is likely to be upset. No government can foresee the remote consequences of all its actions, nor know all the tendencies of a nation's thoughts. Ideas work unseen, institutions decay at their centres, and rulers degenerate unless subjected to the stimulating effects of constant criticism by public opinion. All of these tendencies were at work bringing about the decline of the Shōgun's power. After the middle of the 18th century the Shōgunate was a moribund institution, a vast husk, yet feared to such a degree that for a century no one rose up to destroy it. The signs of decay did not become strikingly apparent until the beginning of the 19th century, but from that time on the gradual mitigation of the rigors of its discipline, the modification of its policy of seclusion and the increasing obscurantism of the authorities were too obvious indications to pass unnoticed, and by the time the foreigners arrived the forces had already gathered for the overthrow of the usuper. Synchronously with the appearance of a feud<sup>1</sup> within the Tokugawa ranks an alliance was formed between the Court and the Shōgun's enemies among

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1. As to which of the cadet houses should supply the next Shōgun.



the feudal lords: a few years more and the Yedo government must inevitably have fallen in any case.

There is no doubt that the arrival of the American Mission hastened the fall of the Shōgunate; on the one hand it exposed the weakness of the Yedo administration, and on the other, it supplied the Imperialists with a potent watchword, "Expel the barbarians."<sup>1</sup> Thus it came about that the policy of seclusion, adopted about two centuries earlier by the Shōgunate as a means of consolidating its power, and discarded in 1853 at the dictation of the representative of a foreign power, was snatched up by the Imperialists to serve as the slogan of their campaign. It seems impossible that any responsible party in Japan could have believed that the exclusion of the foreigners was any longer feasible, and certainly the government in Yedo was well aware not only of its own helplessness in the case but of the dangers of any attempts to longer enforce seclusion. So likewise the most powerful of the clans supporting the Throne must have understood, after the Shimonoseki and Kagoshima affairs, that the development of military science had proceeded much further in western countries than in Japan. Nor is it possible to suppose that even the Court was so ignorant as to believe in the policy to which for its own ends it lent its countenance. We may safely interpret the cry, "Exalt the Sovereign and expel the barbarians," as a purely political device to embarrass the Shōgun's government. It served the purpose of uniting all the forces of conservatism in the country under the banner of the most progressive party in the State, the western clansmen. The coalition of the Court with the most powerful of the clans created a situation in which it was impossible for the Shōgunate to further prolong its existence. A demand for the Shōgun's resignation presented in the name of the western lords was complied with almost immediately by Tokugawa Keiki in a document<sup>2</sup> which, though it reflected the anxieties of the times, was filled with hope for the future.

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1. This was the word used to designate all foreigners.

2. *Infra* p. 1.

The events of the closing years of the old regime afford an insight into Japanese political characteristics and merit closer study especially for the light they throw on subsequent political history. The Imperialists, being out of power and desirous of getting the reins of office into their hands, displayed an almost criminal willingness to adopt any and every means to overthrow the Yedo authorities. They laid plans<sup>1</sup> to carry off the Emperor to the western provinces, and, by appealing to the loyalty of the people to the Throne, contest by force of arms the the Shōgun's right to rule. When that scheme failed and in consequence the Chōshū clan was driven out of Kyōto, they attempted to force the Shōgun into war with the foreign powers, apparently overlooking the consideration that, while the Shōgunate would probably not survive such a contest, any government which would replace the Shōgun's,—and they themselves expected to form such a government,—would naturally be compelled to make peace upon the enemy's terms. Further, they were willing to beat up support for their cause by fostering a spirit of senseless hostility to the foreigners, knowing full well that an anti-foreign agitation would result in bloodshed, and moreover that the agitation would have to be suppressed immediately upon the restoration of the Emperor to power. They knew too that when the Emperor became the *de facto* sovereign, the Court would be unable to conduct the administration and the power of office would fall into their own hands. Their aim being to put themselves in the Shōgun's place, any means appeared legitimate which helped to the accomplishment of that end.

As it turned out, the wisdom, or perhaps the timidity of the Shōgunate deprived the situation of its most dangerous elements and no clash with the foreign powers occurred. By the voluntary resignation of the Shōgun negotiations were transferred from Yedo to Kyōto, and a demonstration off Ōsaka by the foreign fleets was a sufficient excuse for the new Government to repudiate

1. *Vide* Gubbins, *op. cit.* p. 155.



its policy of hostility to the foreigners, and to disown and punish those of its supporters who were guilty of acts of violence against them. It required several years to undo the mischief which had been done, and in the meantime not only were many lives sacrificed, but the Emperor was compelled on various occasions to humbly apologise for his subjects, who were merely acting in accordance with prejudices aroused for revolutionary purposes.

Not only did the Imperialists display themselves as reckless opportunists playing upon the most sacred sentiments and appealing to the worst elements of the samurai character, stirring up passions in one direction for the purpose of using them in another, but their short-sighted treatment of the ex-Shōgun led to civil war. When the Tokugawa family gave up their peculiar power and position it was with the understanding, on their part at least, that the monarch should assume the control of the administration, and relying upon the advice and support of *all* the clans, their own included, should strive to effect a solution of the problems which had arisen through the renewal of relations with foreign countries. But the designs of the western clansmen were not compatible with the survival of any shreds of Tokugawa influence, and it soon became apparent that the Court was likewise determined to ignore the former Shōgun's claims. The Tokugawa party had been willing to give up its hereditary position of priority but was not prepared to degrade itself still further; rather than submit to such treatment the leaders of the Tokugawa samurai preferred a contest of armed forces. Hence in the opening days of 1868 Keiki entered a protest against the admission into Kyōto of the proscribed Chōshū samurai, and as no notice was taken of it, he advanced upon the capital, only to meet defeat at the hands of the Imperialists at Fushimi. The struggle thus commenced dragged on during the year, and was not ended until well into the spring of the following year. At no time was there any doubt as to the result

of this civil war, yet its conclusion was marred by the Government's cruel dispersion of the most valiant of its opponents, the Aidzu clan.

Much might be said in extenuation of the folly of the Government in forcing on the War of the Restoration. Doubtless the long endured usurpation of the Shōguns had generated a hostility which was all the fiercer for being pent up. Doubtless, too, the Tokugawa party in unconditionally resigning displayed an innocence that was not warranted in the circumstances if they expected anything at the hands of their enemies but the complete destruction of their influence in the State. Yet if the western leaders had shown in 1868 even a tithe of the moderation which they displayed a few years later, when Admiral Enomoto, the last of the Tokugawa rebels to surrender, was appointed to office in the Government, the costly military operations of 1868-69 need never have been undertaken.

If the history of the decade preceding the Restoration leaves an impression of wanton opportunism, coupled with a complete repudiation, when their immediate purpose had been served, of principles and policies assumed for the occasion, or if the events which followed the Restoration reveal the shortsightedness of a group of military leaders obsessed with the desire to suppress and destroy their enemy, and a selfish ambition to elevate themselves to places of influence and power, much must be said upon the other side of the case. The Shōgun was a usurper, and more than that the administration over which he nominally presided was no longer efficient; there was neither peace nor order within the country, and the very existence of the Empire seemed threatened by the arrival of the fleets of the foreign powers. Apart from the element of loyalty to the Imperial Throne, which, so far as it existed as a genuine sentiment and motive, was entirely praiseworthy, there was profound anxiety for the safety of the State. The leaders of the Restoration party saw clearly that to preserve its independence it was necessary to unify the forces of the country. Under the feeble



control of the Shōgunate, the weakness of which was amply proved by the Chōshū affair, there could be nothing but a continuation of the civil strife of the previous years, entailing a further weakening of the Empire, and if Japan was to hold its own against the Powers its whole strength must be gathered under the direction of a single authority.

In choosing the Imperial Throne as the centre around which to rally for the contest the Imperialists could not have acted more wisely. It is not necessary to presuppose any particular loyalty to the person of the reigning sovereign. The position of any individual Emperor was in fact among the most uncertain in the State; for not only did the presence of a *de facto* ruler in Yedo militate against the security of his tenure, but the very rules which seem to have guided the Court compelled the Sovereign to relinquish his office about the time he entered manhood's estate. However, if the monarch was the plaything of the Shōgun and the Court, the Throne was a real institution, its appeal was universal and it could demand reverence from all, for was it not established by the Gods in the age of the Gods? The western clansmen had, by no mere accident, chosen a policy which ensured their success. Yet it is impossible to decide how much of that watchword of the loyalists, "Exalt the Emperor," was genuine and how much shrewd political opportunism.

More light will perhaps be thrown upon this point if we look closer at the two institutions which survived the Restoration, the Monarchy and the clans. Just on the eve of the contest between the Imperialists and the Shōgunate the Emperor Komei died and was succeeded by his son Mutsuhito, a boy of fifteen years. His youth detracted nothing from the reverence in which he was held by the people. The individuality of the Sovereign was merged in his office, and that office, apart from the brains of its leaders, was by far the most valuable asset of the new Government. However, it was all the easier for the Imperial party to carry out its plans under a boy Em-

peror, whose immaturity precluded any interference upon his part, whether to help or hinder the work.

Untrammelled by a ruler with ideas of his own, the Government was however surrounded in Kyōto by the Imperial Court, an institution out of sympathy with its hopes and plans except in so far as they included the restitution of power to the Emperor. For some centuries the Imperial *entourage* had been deprived of every other function than that of caring for the person of the sovereign. Allowed to live its own life and occupy itself as best it could, the Court was not interfered with so long as it avoided politics and displayed no aspirations to rule. Religious observances, court ceremonies, art and literature were in the main its interests and occupations. Aside from a few of the Kuge there was no material which could be used in the new regime, and what was more, the courtiers proved themselves a positive nuisance, hence in less than a year<sup>1</sup> after the Restoration the Emperor was carried off from Kyōto<sup>2</sup> and established in the palace of the Shōguns in Yedo, which was renamed Tōkyō for the occasion. Those elements in the Court which were servicable were removed also and Kyōto with all its institutions was abandoned, and thus the connection with the past was irrevocably broken. Scarcely anything, is better calculated to prove the importance of the Throne as a national institution. It could be occupied without any diminution of its influence by a minor, and, moreover, it could be removed from the city which had been its habitation for nearly twelve hundred years without losing its hold upon the people.

The second of the institutions of State which survived the Restoration was the feudal system. The feudal lords numbered

1. The removal of the Capital to Tōkyō was decreed by an Imperial Rescript (Sho-sho) Sept. 3, 1868, and the actual migration was effected a few months later.

2. The Imperial Court had been established in Kyōto by the Emperor Kwammu in 784 A.D. Upon that occasion a still more ancient capital, Nara, was abandoned with the object of providing against the threatened domination of a powerful hierarchy of Buddhist priests. Cf. Murdoch, *op. cit.* Vol. I. p. 207.



some 276, exclusive of the various branches of the Tokugawa family. Practically all of these accepted the Restoration when it became *un fait accompli*, and for the moment even the Tokugawa were nominally loyal to the Throne. But the clans had not been all of equal rank or influence; under the old regime they had been carefully graded according to their revenues. Preëminent above the others in the affairs of 1867 were Satsuma, Tosa and Hizen, and to these Chōshū was added in 1868. It was Satsuma which furnished in Saigō Takamori the leader of the loyal forces, and which along with Chōshū bore the brunt of the fighting during the civil war. Having firmly established the Imperial rule by defeating its only rival, the power of the State fell into the hands of the four leading clans, and thus at the very outset of the new era the military leaders of the western clans found themselves in the positions at the head of the new government, which they had expected to attain.

Like every other institution of the pre-Meiji period, the clans were in nearly every instance nominally under the control of the daimyō, but actually their affairs were managed by a council of the ablest and most enterprising men. While a forceful feudal lord might hold the reins in his own hands, the great majority of the daimyō were neither able nor willing to assume the responsibility or undertake the labor involved in the personal government of their fiefs. Just as the tradition that the Emperor was too sacred to be defiled by the administration of the affairs of State served as the excuse for such an institution such as the Shōgunate, so the Shōgun was too exalted to mingle with his people to an extent which would have enabled him to understand the government over which he presided, and hence his powers were delegated to the Gorōju, the Council of State. Likewise the daimyō, in his particular territory, knew little or nothing of its affairs and rested content to let the most enterprising of the samurai manage for him. Nor was this system an accident, for it existed too universally to lack design; in every case the nominal authority served the purpose of conform-

ing to tradition, the real, the purposes of progress and development.

As a result of this traditional duality of control it came about that when the Emperor was elevated to the position of a ruling sovereign he could not himself assume his proper rôle, nor was there in the immediate circle of his Court anyone with sufficient ability to act in his stead. The nominal heads of the clans were in no better plight in this respect. The majority of them were feeble in body as well as mind, while the vigorous minority were devoid of nearly every statesmanlike quality. Shimadzu, the lord of Satsuma, was so sunk in conservatism and so overweening in his pride that nothing could be expected of him, and the great Saigō, though nominally his henchman, was in reality the leader of the clan. Hence the only men qualified to guide the new government were the samurai, and it was these men who exercised the authority though they did not fill the highest offices in the government. Speculation as to the motives of these keen-witted samurai is idle, as it is only too easy to imagine their acting from personal ambition in bringing about the fall of the Shōgun, for it must have been as obvious to them as it is to us now, that once rid of the Shōgunate they would of necessity be called upon to take up the burden of the government. If we hesitate to impute selfish motives to individual samurai, we have no reason whatever for refusing to believe that the western clans, as clans, burned with an ambition to supplant the Tokugawa. Such hopes for clan aggrandizement were pardonable, and to recognise them helps us to understand the so-called clan government which has persisted till the present day. That individuals played upon the more or less legitimate clan ambition and used it for their own ends there is little doubt; likewise it is beyond question that, having monopolised the control of the new administration, the leaders of the western clans used their official positions as heads of departments to give office to their fellow-clansmen and exclude the other elements of the nation from a share



in the work of the government. However, anyone who is unwilling to grant a large measure of generous sentiment and love of country to many of the participants in the Restoration movement will be unable to fully understand the phenomenon. Even Tokugawa Keiki and his advisers may claim some merit for their generosity in resigning without a preliminary struggle the high offices bequeathed to them by their ancestors, in which they had as valid a hereditary right as Shimadzu, Mori, Nabeshima, Yamanouchi or any other daimyō in their respective fiefs. The strength of the wave of patriotism which swept over the country after 1864 is clearly seen in the conviction that the clans must come together and settle matters by discussion, and its weakness in the failure to recognise that a supreme monarchical government cannot exist in the same state with a full-fledged feudal system. Monarchy and feudalism are incompatible political institutions, yet it seems to have been universally believed in Japan in 1867 that they could both exist, each respecting the rights of the other.

Such are some of the main considerations, both of fact and thought, that must be kept in mind by the student who wishes to understand the political history of the Meiji Era. He may expect to find everywhere the characteristics of the feudalism of the immediate past, especially the spirit of clan sectionalism, the far-reaching consequences of which we shall advert to later. At present it may be useful to group those consequences under two headings, first, those which arose from the monopoly of the powers of the restored monarchy by the representatives of the four leading clans, and second, those arising from the control of the military services by Satsuma and Chōshū. Another of the characteristics of feudalism was the sharp line of demarcation between the aristocracy and the common people. The problem of carrying on the government of a nation without the political coöperation of ninety-five per cent. of the people, and yet in such a manner as to satisfy the masses, presented serious difficulties. Moreover, the admission of the

people to a share in the Government, and the extent to which and the rate at which they should be enfranchised, furnished a convenient cause for dispute between the Government and the Opposition.

But on the other hand, if the pre-restoration period bequeathed to modern Japan a legacy of prejudices, many of which were slow in passing and while they lasted retarded the progress of improvement, it also left a tradition, the soundest political tradition which any nation can develop, the belief in the possibility of solving all problems by compromise. No political trait is more often seen in ancient or modern Japan. The institution of the Shōgunate itself was a vast compromise by which the Court sanctioned the existence of a military feudalism which it was powerless to destroy. Only a people with immense facility in the art of compromise could have submitted to and lived peacefully for some centuries under an absolute monarch, a usurping military despotism and a host of feudal lords at one and the same time. In private as well as public life, in small things and great, in religion and morality, in art and literature the Japanese mind displays a wonderful ability to be satisfied with pretence if reality is not available, to accept a part if the whole cannot be obtained. Without that facility it would be difficult to imagine how in so short a period as twenty-two years a small coterie of men could have built up from the ruins of the Shōgunate a complete fabric of government, not perfect nor final, but nevertheless a government which in the main has worked to the satisfaction of the people.

## II.

### THE RESTORATION GOVERNMENT AND THE ABOLITION OF FEUDALISM.

After the fall of the Shōgunate the immediate necessity of the time was the organisation of an administration to perform the functions hitherto discharged by the Yedo authorities. In the circumstances such an undertaking was comparatively easy,



there being only two possible complications to make it difficult, first, the liability of friction between the Kuge and the daimyō over the distribution of the offices, and second, the hostility of the Kuge and the loyal daimyō toward the Tokugawa clans. The first of these potential causes of trouble was dealt with skilfully and successfully, the second materialised in the civil war of 1868-69, which when it had once broken out left only one course open to the Government, the suppression of the rebels. However regrettable that struggle may have been, it at any rate disposed of a delicate and difficult situation by clearing away the claims of the Tokugawa party to any consideration under the new regime. The western clansmen were thereafter in a position to go forward with the work of organising the administration without regard to the ideas or ambitions of the former authorities.

But of much more importance than the mere matter of setting up a form of government, however immediate that necessity may have been, was the problem presented by the existing feudal system. The solution of that problem must be regarded as the greatest achievement of the Government in the years between 1867 and 1871. The difficulties involved were enormous, especially in view of the slender and precarious resources at the disposal of the central authorities and yet in the mind of Kido and his associates the dangers of a policy of doing nothing seemed to have been greater than any which might arise in consequence of the most drastic action. The Court was impatient to rid itself of the territorial magnates, for without dominion over the people and soil of the country the Emperor's position as an absolute monarch was as nominal as the Government's was insecure. The history of the native institutions as well as the logic of political theory proved the advisability of destroying the power of the feudal aristocracy and gentry. If only the danger of armed rebellion could be provided against, every other consideration seemed to point toward the adoption of a policy of immediate abrogation of the privileges of

the feudal caste. Upon the task of destroying the system the Government therefore entered, and until 1871 most of its energies were devoted to that end.

But before attempting to narrate the outlines of the Imperial Government's policy *vis-a-vis* feudalism we will first examine the details connected with the early attempts at reconstructing the administration. That task was all the easier for the fact that the Shōgun's Government in its declining years had been rapidly reducing the extent of its control and supervision of the clans. In fact, matters had come to such a pass by 1867 that by simply permitting a complete decentralisation of government, the local organisations within the clans were able to deal with the greater part of the affairs of the administration, without introducing any changes into their customary procedure or creating any new institutions. The government of the territories under the control of the numerous branches of the Tokugawa family was a problem which the new Government had to face, but even that problem did not present itself for some months after the Restoration. For the time being, the traditions and customs of the past, as far as the local government of the clans was concerned, were allowed to stand all unmolested. In such matters as were not purely local, in which the action and support of a central authority were necessary, it was relatively easy to transfer jurisdiction from Yedo to Kyōto. In the case of important services of interest to the whole country, services which had been built up during the course of centuries, such as the facilities for communication and transportation or the administration of justice, no change from Shōgun to Emperor could have much effect upon them.

Generally speaking, therefore, the first months after the Restoration witnessed few changes in the organic institutions of the country, the rise of the Imperial authority being the one great exception. In Kyōto the Sanshoku<sup>1</sup> (The Three Offices of the Central Government) were set up to control the administ-

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1. For the organisation of the Sanshoku see p. 4.



ration. The personnel of this earliest Government is far more significant than its organisation, which was only intended to be temporary. Prince Arisugawa was made the Sōsai (Supreme Head), and associated with him as deputies were Sanjō Saneyoshi and Iwakura Tomomi. Under these three men, the first a Prince of the Blood, the other two Kuge, there served a number of men whose names fill the pages of subsequent history, especially Kido, Ōkubo, Komatsu and Gotō, in whose hands from the very beginning the real power of the Government rested. Subordinate to the office of the Sōsai were two others, those of the Gijō and Sanyo, Councillors of the first and second classes respectively; half of the Councillors of the first class were Kuge and half were the leading daimyō from the provinces<sup>1</sup> of Owari, Aki, Echizen, Tosa and Satsuma. The Gijō were intended to perform the functions of a deliberative and administrative body. Of the third-class Councillors fifteen were samurai from the leading clans in the five provinces mentioned above, and the other five were Kuge.

In January 1868 the office of the Gijō was reorganised upon more definite and somewhat more elaborate lines. Seven departments were created to administer the affairs of State and a few months later the number was increased to eight. At the head of each of these eight departments was a Prince of the Blood or a Kuge.<sup>2</sup> About the same time an Imperial Rescript<sup>3</sup> was issued to the daimyō calling upon them for assistance in the struggle which was going on between the Imperial Government and the ex-Shōgun's party, and referring to the question of

1. This list of five provinces contains only two of the four western clans. Chōshū was still in disgrace, its two princes deprived of rank and its clansmen forbidden to enter Kyōto in consequence of the affair of 1864, and was only restored to power at the beginning of 1868. Owari and Echizen were Tokugawa clans which had come over to the Imperial side upon the accession of Keiki and remained loyal during the war of 1868. Four years later when the Imperial party gathered its forces for the destruction of feudalism, these two along with another Tokugawa clan, Hikone, were found allied with Satsuma, Chōshū and Tosa.

2. *Infra* p. 5, foot note.

3. " pp. 6-7.

foreign relations in terms which not only betrayed anxiety but displayed a determination to uphold the glory of the Empire among the nations. The daimyō were assured that their loyal co-operation was essential for the continued existence of the State. The appeal was prefaced by a perfunctory declaration of the Emperor's absolute authority, a claim which could hardly have been made under more incongruous circumstances.

On June 6, 1868, the successful issue of the civil war having in the meantime become assured, the Government issued a new and completely revised prospectus,<sup>1</sup> in the preamble to which reference was made to the Sanshoku and the eight departments as "arrangements.....necessarily hurried and imperfect." The prospectus purported to be a Constitution in eleven articles, with various schedules appended containing the outlines of the organisation of the central and local governments, the ranks of officials, etc. In Article I it was provided that "the practice of discussion and debate shall be universally adopted, and all measures shall be decided by public argument." The machinery for putting this provision into practice was set up by Article V, which created a deliberative assembly (Kogisho) to be composed of representatives (Kōshi) of the various Fu, Han and Ken. Further it was provided (Article XI) that in the daimiates representative bodies should be created that everything might be decided in accordance with public opinion. The executive officials were to be elected (Article IX) for terms of four years,<sup>2</sup> one-half retiring every second year, those who were particularly efficient having the prospect of being retained for a further term of years. Moreover, if the public wished to discuss questions of State they were to be conducted to the appropriate Department and there facilities would be granted for giving expression to their views (Article VIII).

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1. *Infms* pp. 7, ff.

2. The four year term for representatives in all kinds of local assemblies, one-half retiring every two years, became the rule, though of course executive officers were never elected.



The appendices to this Constitution contained the list of offices and departments of the Central Government, and the names and ranks of the men who were to fill them. A Council of State (*Daijōkwan*) was set up and divided into seven Departments:—the Deliberative Assembly composed of Upper and Lower Houses, the Office of the Lords President, and the Departments of Shintō religion, Finance, War, Foreign Affairs and Justice. The main changes effected by this reorganisation concerned the first two bodies mentioned. The "Upper House of the Deliberative Assembly" was composed of the former *Gijō* and *Sanyō*, and its powers included the establishment and amendment of the Constitution, the enactment of laws, the exercise of the supreme judicial authority, the making of appointments to high offices, the conclusion of treaties, and generally the decision of all matters of policy. From this list it is obvious that practically the entire power of the Central Government, except that of administration, was concentrated in this body. This conclusion is substantiated when it is seen that the chiefs of the other Departments were *Gijō* and consequently members of the Upper House. The "Lower House" was composed of the representatives of the feudal clans and it was provided that they should discuss questions of policy under the direction of the Upper House. As a matter of fact when this Lower House met, as it did in 1869 and 1870 under the names *Kogishō* and *Shugi-in*, its discussions were confined strictly to items of domestic policy, mainly concerning the privileges and duties of the feudal aristocracy. The second Department, which was probably designed as a substitute for the first of the offices of the *Sanshoku*, the *Sōsai*, was composed of the two Chief Ministers of State (*Hōshō*) and various subordinates, and its functions seem to have been on the one hand to act as a connecting link between the *Daijōkwan* and the Court, and on the other to supervise the work of the entire administration. Outwardly this office has the appearance of being a second supreme authority, but all

danger of friction between the Upper House and the Lords President of the Council was avoided by making the latter members of the former body. There is no reason to suppose that this apparent anomaly, the office of the Lords President, was anything else than a nominal institution designed for the purpose of keeping the Government in touch with the Emperor and obtaining for the measures of the former, the sanction of the latter. Later, in connection with the next reorganisation of the Government, which occurred in 1871, we shall have occasion to advert to the disposal made of this particular office. The other five departments require no comment, unless it be to indicate the prominent position accorded in the list to that of Shintō religion. In all five the organisation was identical,—a Minister, a Vice-Minister and a staff of subordinate officials and clerks.

To find the model upon which this second organisation of the Central Government was patterned it is not necessary to go outside of the circle of oriental institutions. Prince Sanjō, in 1885, referring<sup>1</sup> to the system of government adopted in 1868, declared that it had been copied from the Constitution of Tai-ho (701-704 A.D.), which in turn had been adopted from the Chinese of the time. There is no need to dispute the general accuracy of this statement, especially when it is seen how close was this resemblance of the organisation of 1868 to the institutions of Tai-kwa (645-649 A.D.).<sup>2</sup> Moreover there was nothing more natural in the circumstances than that the model should be sought for in the past history of the country, and nothing could have been wiser politically than to appeal to the public for support by ascribing the system to so ancient a national source. Whatever may be said of the origin of the system as presented in the appendices to this constitution, whether or not it was ancient Japanese or Chinese is a matter of little consequence, for changes were made with a frequency that was bewildering even to

1. *Infra* p. 91.

2. Cf. Murdoch, *History of Japan*, Vol. I, pp. 142-180.



those immediately concerned. Of much greater interest was the existence of an element in the plans of the new regime,—an element certainly not drawn from native customs, ancient or modern,—the promise of an assembly of representatives of the clans for the purpose of deliberating upon and deciding all important matters. Even when it is remembered that this assembly was to be strictly limited to representatives of the feudal aristocracy and that there was no intention in any quarter to ascertain the views of the common people upon questions of State, the practice was foreign to the traditions of the past. It is true that the Shōgun in 1866 had in desperation resorted to a general consultation upon the policy to be pursued with regard to the treaties with the foreign powers, but on that occasion the Yedo authorities had asked for a written expression of opinions, not a meeting of the representatives of the clans for open and public discussion. Whatever the origin of this idea of erecting an establishment for public discussion, it is certain that the Government held out the prospect of such an assembly as a measure that would be likely to disarm the suspicion of the feudal lords and secure their support. It was in pursuance of that policy that the Kogisho was summoned<sup>1</sup> together and actually met in April 1869. The rules<sup>2</sup> determining the method of appointing its members had been issued in February of the preceding year.

We shall see later that the Kogisho did not prove to be an assembly of much interest or importance; yet the idea of governing in accordance with public opinion which it professed to embody, once advanced could not easily be withdrawn. The Government was destined to find this particular branch of its generally opportunist policy bearing fruit of an unexpected sort, an agitation for a parliament elected by the whole people. The history of this agitation we shall give later: at present we need only discuss its origin. In 1868 when

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1. January 18, 1869, *H-Z*, 1868, 223.

2. *Infra* p. 21.

the Kogisho was first mooted, the feudal organisation of society was still intact, and as long as the peculiar institutions of Japanese feudalism lasted the nation was of necessity divided into two groups, one the aristocracy, a very small body wielding all the political power, the other the great mass of the people, entirely without civic rights or liberties. The nation politically therefore was synonymous with the feudal aristocracy, and to speak of "public opinion" was to refer to the opinion of the first group only. Furthermore, while feudalism continued in existence, not only was it impossible to speak of the whole nation as a political unit, but it was equally impossible to think of a Central Government which exercised authority over the whole nation. After 1871, when the feudal privileges and powers were abolished, not only did the Central Government enlarge its scope and become the sole source of authority in the nation, but by the same process the whole people as distinct from the former feudal aristocracy was thrust forward as the basis upon which the national government rested. While these great changes were taking place in the status of the government and the people, the assembly representing public opinion was automatically transformed; its old limitations were removed and its scope enlarged; it became a national parliament instead of a feudal council. It was in this new form that the demand for discussion and government in accordance with public opinion arose in 1874. Having anticipated the progress of events by so much for the purpose of explaining a movement which would otherwise be inexplicable, except upon a supposition<sup>1</sup> not only historically untenable

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<sup>1</sup> When in 1873 Saigō, Gotō, Soyejima and Itagaki in consequence of the rejection of their Korean policy resigned their offices in the Government, the latter three almost immediately presented a memorial to the Emperor praying for the immediate establishment of an assembly elected by the people. Their action might seem as if dictated by a mere factious opposition, and doubtless resentment against their former colleagues did exist, but there was also in their minds the knowledge that the people in general and the shizoku in particular were in favor of their policy of war with Korea, and as they believed that it was the intention of the Government to be guided in such important matters of policy by public



but grossly unfair to the leaders of that movement, we turn back to the Central Government as organised in June 1868.

The personnel of the Government is interesting as showing the predominating influence exercised by the four western clans. The highest offices were of course held by Kuge or daimyō, the principal new addition to the list of Gijō being Nabeshima, the lord of Hizen. But, as hitherto, the real power rested with the Sanyo (Councillors of the second class), in whose ranks were to be found the samurai who ruled the western clans, Kido, Ōkubo-Gotō, Soyejima and Itagaki. During the course of the years 1868 and 1869 certain changes in the offices were effected and further additions were made to the ranks of the Government. Sanjō was appointed Udajin, Iwakura, Tokudaiji, Nabeshima, Nakamikado and Ogimachi Sanjō were given the rank of Dainagon, while Maebara, Hirosawa, Sasaki, Ōkuma and Saigō Takamori were added to the list of Sanyo.

Not only did the constitution of the summer of 1868 provide for a reorganization of the Central Government, but it attempted also to deal with the relations between the Imperial authorities and the clans. That relationship was undoubtedly the most delicate problem of the day and consequently it was approached with the greatest care. As against the pretensions of the clans to sovereign powers a general claim to supreme "power and authority" in the empire was made by the Daijōkwan (Article II), and as it were, in an attempt to diminish the splendour of the feudal nobility, it was enacted (Article VII) that their retinues should be reduced to insignificant proportions. Further, certain actions on the part of the clans were prohibited (Article XI), such as the bestowal of honors, the coinage of money, employment of foreigners and the entrance into alliances with other clans or foreign states; and at the same time taxes (tribute) for

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opinion, what could be more natural than that they should have demanded the establishment of an organ for the expression of the feelings of the nation to take the place of the Kogisho, which had been abolished in June, 1873. *Infra* p. 21.

the support of the Central Government were imposed upon the feudal nobility (Article X). To soften these various unpalatable measures, high offices were bestowed upon some of the daimyō, and all alike were left in their hereditary positions as nominal rulers of their respective clans, and it was hinted that offices of the second rank or below would be given to the retainers of the feudal lords (Article IV).

No definitive measures for the regulation of the internal government of the clans were prescribed by the Daijōkwan upon this occasion, although for the Fu and Ken—formerly cities and territories belonging to the Shōgun but confiscated upon the outbreak of the civil war—a complete system of local government was provided. Nevertheless both before and after some tentative measures were adopted, the object of which was to establish the supremacy of the Tōkyō authorities over the whole land. Thus as early as May 1868 the office of *Komunin*<sup>1</sup> was set up in each of the daimiates, the official in charge being an intermediary between the central and the local authorities, and before the end of the year regulations<sup>2</sup> were issued for the appointment in every Han of certain other officials who were subject to Imperial authority though appointed by their lords.

The year 1869 found the Imperial Government in a much stronger position than in 1868. The civil war had been brought to a successful conclusion and there remained no open opposition to its authority in the country. Moreover the enthusiasm for the new regime continued to increase, as may be seen in the proposal<sup>3</sup> of the four western lords to return their registers to the Emperor, an action which involved the surrender of their feudal privileges and which was subsequently made compulsory<sup>4</sup> for all the other feudal lords, who were at the same time deprived of the old titles (daimyō, shomyō, etc.) and called Chi-

1. *Infra* p. 25.

2. " pp. 26-27.

3. " pp. 29-32.

4. " p. 32.



hanji (Governor of a Han). About the middle of 1870 the organisation of the internal government of the Han was standardised<sup>1</sup> and made almost identical with that already devised for the Fu and Ken<sup>2</sup>. So much was accomplished in the direction of completely centralising the government in Tōkyō, that by the end of 1870 the Central Government had obtained in all but name, complete control of the administration of the entire country.

During these two years and a half the Imperial Government continued under the organisation already outlined and was controlled by the men whose names have been already mentioned. Foremost among the leaders of the time were Kido and Ōkubo, the former a statesman of the very highest qualities, incorruptible and sincere in his loyalty to the Sovereign, the latter an administrator whose only fault was his carelessness of the opposition to his measures. It was Kido who prepared the text of the proposal which was forwarded to the Emperor by the lords of Chōshū, Satsuma, Hizen and Tosa in January 1869. That document contained the essence of his political principles in those early years, and may be regarded as a statement of the philosophy of the Restoration, in which two great principles stand out most prominently—the supremacy of the Imperial authority, and the centralisation of the government in the Emperor. It is said that he first won over his own clan, Chōshū, to the adoption of his principles, and subsequently obtained the assent of the other three clans. To a man so deeply imbued with the idea of the supremacy of the Imperial authority, the abolition of feudalism appeared in the highest degree desirable. It was his hand that we have seen in the gradual encroachment of the Central Government upon the powers of the clans, and above all in the Imperial message<sup>3</sup> to the Chihanji by which the Han were finally abolished and replaced by Ken.

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1. *Iufu* p. 25.

2. " p. 27.

3. " pp. 32-33.

That such a revolutionary measure as the abolition of the Han should have been regarded with outward complacency by the entire feudal aristocracy has sometimes been looked upon as little short of miraculous, yet it is not difficult to understand the movement which culminated so dramatically in 1871. The event had been carefully and patiently approached and prepared for; on the one hand the general public, in so far as it took any interest in politics, had been instructed by means of the limited press of the time<sup>1</sup> to regard the shizoku as a parasitic class, "eating the bread of idleness," the ex-Shōgun as an unholy usurper, and generally speaking the whole of the surviving feudal arrangements as contrary to the best interests of the nation; on the other hand the Government sought to strengthen itself, though without much success, by raising an army from among all the classes of the people by means of a conscription.<sup>2</sup> But most significant of all the preparatory measures was the securing beforehand of the consent of the four western clans to the policy of abolition. Just as at the Restoration Satsuma, Chōshū, Hizen and Tosa banded together into a coalition in the face of which the Shōgunate was powerless, so in this event the same clans were brought together into a pro-abolition party far too powerful for any daimyō or combination of daimyō to resist. When the Government had thus strengthened its position it could and did act, and its action was accepted because it could not be successfully opposed by the only cogent argument open to the great majority of daimyō—the force of arms.

While the destruction of feudalism in 1871 was, in the last analysis, a *coup de main*, it would be unwise to push that explanation to the exclusion of every other consideration. There undoubtedly were elements of loyalty to the Throne, liberality born of the wider political outlook which had been made possible by foreign intercourse, and generosity, and these sentiments

1. The files of the *Nisshin Shinjishi* (Budget of News) contain a succession of inspired attacks on the feudal system.

2. *Infra* pp. 17-18.



have to be taken into account. There was also the shrewd calculation of personal advantage of a monetary nature to be derived especially by the daimyō from an exchange of their revenues for the pensions promised by the Government. It is impossible to tell exactly what motive or combination of motives determined each particular clan to accept its fate. It is enough to say that the Government, while it gathered together its forces to suppress any uprising, made strong appeals to every lofty sentiment in human nature as well as to the baser passions of self-interest.

If there was anything out of the ordinary in the process by which the feudal aristocracy was induced to consent to its own destruction, that unusual element must be sought for in the means by which the four clans were persuaded to support the measure, and furthermore to be willing to compel others to acquiesce in it. A brief statement of the facts will serve to explain the process and will at the same time illustrate the political methods of the time.

Toward the end of 1870 the Government began to exhibit signs of weakness, for the support of the great clans lacked enthusiasm. Tosa had no representative in the Council of State and Satsuma only Ōkubo, who was more or less out of sympathy with both Shimadzu and Saigō, and thus two of the four clans which had led the way in 1869 seemed to have withdrawn from the coalition which maintained the Government. In the face of this serious danger, for the authority of the Emperor amounted to little more than that which could be derived from his position as the descendant of the Gods, measures of an extraordinary nature were determined upon. Iwakura Dainagon and Ōkubo, bearing a gift from the Emperor to be bestowed at the shrine of the late Prince of Satsuma, were sent to Kagoshima to confer with Shimadzu Saburo, the uncle of the reigning Prince, and his henchman Saigō, the Cincinnatus of Japan. At the same time Kido made his way to Yamaguchi, where the two Princes of Chōshū, father and son, were residing. The outcome

of these two missions having been successful, Ōkubo and Kido proceeded to Kōchi, where they saw Itagaki and Fukuoka, the two principal men of the Tosa clan. Iwakura in the meantime journeyed overland back to Tōkyō, visiting on his way the two powerful Tokugawa clans Owari and Hikone and securing their allegiance. By this series of conferences a scheme for placing the Imperial power upon a solid foundation was decided upon, according to which each of the three western clans was to furnish a certain quota of troops who were to be transferred to Tōkyō and there handed over to the Government to form the nucleus of the Imperial army, Saigō and Itagaki were to be appointed Councillors of State, and the Princes of the three clans were to take up their residence permanently in the capital.

By these *pourparlers* the Government obtained an immense accession of strength, for the four clans were once more arrayed in solid formation on the side of the Emperor. There was a redistribution of the offices in August to make room for Saigō and Itagaki, and almost immediately thereafter the abolition rescript was promulgated. The rescript<sup>1</sup> explained the policy of the Government as dictated by the necessity of "maintaining equality with foreign nations, of diligently retrenching expenditures and of arriving at convenience of working, of getting rid of names, and of abolishing the disease of Government proceeding from multiform centres." The apathy of feudalism in this crisis was probably more apparent than real; no protest against the decree was made because none was feasible. If there was no open opposition, neither was there any enthusiasm for this act of violence against the old established order. The peace was preserved for the time being, though not for long, for the compromise between the Government and the feudal aristocracy saddled the country with a financial burden which could not be endured, and likewise could not be thrown aside without breaking faith with a powerful and dangerous class of people. The final solution arrived at, we shall consider in its proper place.

1. *Infra*, pp. 32-33.



After careful inquiry into the circumstances which led up to the abolition rescript it is evident enough that the disappearance of the feudal organisation need not be explained by any other process than the play of forces such as are commonly at work in making history in every country—sentiment, cupidity, fear, and perhaps principle. Neither the Imperial Government nor the territorial nobles displayed on that occasion any remarkable degree of magnanimity, for behind the former the forces of the great clans were plainly visible and in the hands of the latter there were the Government's fat promises to pay for their support.

As to the ultimate necessity of abolishing the feudal system in Japan there could be no doubt, since every reasonable consideration pointed to that event. It is unnecessary, therefore, to waste words in an attempt to justify or impugn the principles which underlay the Government's policy in 1871. There remains for discussion only the means and the time at which that policy was carried into effect. Of the measures adopted enough has been said. The sword which was held over the Shōgun in 1867 was again unsheathed in 1871 over the daimyō, and the effect was similar on the two occasions. As to the haste with which the Government acted, anyone is free to doubt its wisdom or necessity. The measure probably seemed urgent, for the gentry-at-arms had become a source of great danger to life,<sup>1</sup> especially in Tōkyō, but only in a somewhat less degree in many other parts of the Empire. In order to rid the country of the turbulent samurai, the Government regarded the defeudalisation of the entire military class as the necessary preliminary to revoking its privilege of carrying arms and the prohibition upon entering plebeian occupations. But on the

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1. Hirozawa, a Councillor of State, was murdered in his bed on the morning of the 27th February, 1871, by some two-sworded ruffian. A plot to assassinate all the principal members of the Government and carry the Emperor back to Kyōto was discovered in May, and during the first half of the year there were insurrections in Bango, Shūano and Mikawa which had to be suppressed by the dispatch of Government troops.

other hand, in the light of the events of a few years later, it is permissible to doubt the wisdom of the Government in bringing matters to a crisis so soon. Involuntarily one asks, "Could nothing have been done to gradually merge the samurai with the common people by holding out inducements to them to take up work in agriculture, trade or industry?" In time the most undesirable features of feudalism would have disappeared by a natural process of decay or under the disciplining hand of the Government. Nor would the Imperial Government have suffered any serious diminution of its prestige by allowing the Chihanji to retain their offices for a generation, for as we have already shown, by the end of 1870, there remained to the clans nothing but the name of power, so successfully had the Tōkyō authorities encroached upon their ancient privileges. Moreover, if more time had been given, the Government's financial burden in buying off the aristocracy might have been avoided altogether or undertaken only to an extent consistent with the resources of the country.

As to the manner of settlement, the Government must rest permanently under the odium which its policy created. It is easily possible to accuse the leaders of sharp dealing with the nation by forcing the great mass of the people to assume responsibility for the support of a class which no longer served any purpose in the national economy, by exerting intolerable pressure upon that same class in order to compel its members to accept their *congé*, and by buying the support of the western clans with the doubtful coin of office and position. Acts of violence and pledges which cannot be redeemed are not the materials out of which to build a stable fabric of government, and so it came about that during the next six or seven years the Tōkyō authorities led a precarious existence, growing yearly more unpopular, until the climax was reached in 1877, after which tragedy, under chastened rulers, the prospect began to clear.



### III.

#### THE RECONSTRUCTION: GENERAL OUTLINE.

With the abolition of the feudal system the political ideas of Kido and the Restoration party<sup>1</sup> were realised; there was thereafter but "one central government," the Emperor's, and "one universal authority," the Emperor. But the traditions, customs and general mental attitude of a people bred for centuries in a feudal atmosphere were not to be destroyed by any mere Imperial message; outward forms of governmental institutions may be changed by such a process, but upon such occasions the spirit which enters into the new political bodies is likely to be the same as animated the old. So it was in this case, for while the Han were nominally done away with and converted into Ken, clannism persisted, and though it was decreed that the government should be completely centralised, sectionalism continued the dominating force in each locality. The degree of completeness with which the old habits survived varied in different parts of the country according to the status of the clan and the strength of its traditions. Perhaps Satsuma remained the least affected by the formal passing of the old order, but in this respect it was exceptional only in the degree of resistance offered to any and all changes. The persistence of the clan *esprit de corps* may be observed not only in the various small rebellions or the great uprising in Satsuma, but also in the organisation of the Central Government. Not only were the

1. It must not be supposed that Kido and the other members of the Government were the only men who held to these principles, or that he or they were the originators of the policy of centralising the power of the State in the Emperor. There had been in practically every one of the south-western clans a school or schools for the dissemination of revolutionary, in the sense of anti-Shōgunate, ideas. Among the best known of these institutions was that presided over by Yoshida Shōin, the friend and teacher of Kido, Ito, Inoue, Shinagawa and other members of the Chōshū clan. Yoshida seems to have been a fiery patriot burning with hatred of the Tokugawa and loyalty to the Emperor. He was executed in 1859 at the age of twenty-nine for plotting against the life of the Shōgun's representative in Kyōto.

high offices filled by the leading clansmen of the Satchō-Hito combination in 1871, but after 1873, when that coalition finally fell to pieces, Satsuma and Chōshū continued throughout the whole of our period and for that matter during the Meiji era<sup>1</sup> to hold for themselves as much of the authority as they could find clansmen to exercise. In 1876 it was said<sup>2</sup> that eight-tenths of the government officials belonged to Satsuma, Chōshū, and Tosa. Not only so, but the two military services were appropriated by Satsuma and Chōshū, the former regarding the Navy as its preserve, the latter the Army. It may be that the greater natural ability of the men of these clans explains in some degree their predominance in the Government, but to say that they monopolised the brains of the nation to an extent which justified their action is to cast an unwarranted slur upon the enterprise and energy of the samurai of the other provinces. We fall back, therefore, for an explanation of the persistence of clan government upon the survival of the spirit of the old regime, which bound the samurai of a clan in a common loyalty to their lord and the interests of their fellow-retainers.

Not only do we find one of the most powerful determinants of the political progress of the nation after 1871 in the survival of the feudal spirit, but in consequence of the formal abolition of the old order we see emerging gradually two other factors, absolute monarchy and an enfranchised nation, which contributed to the reconstruction many of its characteristic features. It was the deliberate purpose of the Restoration party to re-establish the Sovereign as the universal authority in the land, but as a preliminary it was necessary to destroy the Yedo administration. The positive and negative objects of the movement were so indissolubly united as to form a single policy, but beyond that twofold purpose the leaders did not look, except to

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1. It is doubtful if any such violent popular demonstration against the monopoly of these two clans as that of the spring of 1913 was ever witnessed during the whole forty-five years of Meiji.

2. By a writer in the *Chōya Shinbun*. See *J.W.M.*, 1876, p. 809.



dream of the future expansion of the Empire to include not only the neighboring islands of the Pacific, but also large sections of the continent of Asia. Being invariably members of the military caste, to whom chauvinism is a professional instinct, they foresaw few of the ultimate consequences of the movement into which they threw themselves. That it would be necessary to disturb the existing organisation of society, in which the samurai and the nobility occupied all the positions of honor or ease, probably did not occur to them, and centuries of habit had accustomed them to think of the monarch as nominally absolute but practically powerless. Hence it was inevitable that they should have overlooked the fact that the very institution they aimed to destroy, the Shōgunate, had made it possible for them to reverence the Emperor as of heavenly descent and at the same time to live in a feudal society; and further that they should not have foreseen that in turning out the Shōgun they were jeopardising the continued existence of the whole feudal order. Whatever the facts may be, and every thing points away from the supposition that the samurai of the Restoration party were deliberately intent on political suicide, one of the consequences of their success was brought home to them in 1871. The monarchy found men who were willing to side with it against feudalism, and as time went on and the Emperor became older and his advisers more experienced and ambitious and securer in their hold on the country, the absolutism of the native theory of monarchy became more pronounced<sup>1</sup>. As this theory crystallised the bureaucracy hardened into an oligarchy, and the two in a firm alliance<sup>2</sup> dominated the nation. It was in this combination of seemingly incompatible elements, an absolute monarchy and a ruling oligarchy, that the dualism

1. The language of the successive Imperial Rescripts grew steadily more formal, until in 1889 the whole paraphernalia of divine descent, unbroken lineage and personal absolutism was displayed without apology or hesitation. Cf. the Rescripts on pp. 6-7, 32-33, 41-42, 86-87, 96-97 and 133-35.

2. The complete identification of the Throne with the Imperial Government was one of the chief political lessons of the Satsuma rebellion.

represented in the pre-Meiji era by the Court and the Shōgunate reappeared, the only important difference in the situations being the absence of feudalism, a change the significance of which was not fully realised then nor since, nor at any time completely acknowledged by the oligarchy.

Not only did the Restoration lead to the ultimate exaltation of a bureaucratic oligarchy to a degree of authority with which the Shōgunate could hardly be compared, except perhaps in the days of its greatest power, but it also gave to the people a political status as free subjects of the Emperor. Under the feudal regime the bulk of the nation had enjoyed no political rights, their only function in the State being to cultivate the soil and raise the grain upon which the upper classes lived. With the abolition of that organisation of society the common people were automatically converted into a nation. Here again customs of long standing kept the peasants in submission, and it was only after advocates of popular rights arose to champion their cause that the people were slowly brought to realise the rights and privileges as well as the duties inherent in their new status. The struggle between the advocates of popular government and the ruling bureaucracy furnished a number of important incidents in the political history of the first half of Meiji.

Such were the purely domestic factors of the situation; clannism and oligarchy, an absolute monarchy and the rise from serfdom of the people were the principal consequences of the Restoration and the main causes of the events which make up the history of the reconstruction period. In addition to these there must be mentioned the relations of the nation with the Treaty Powers and the neighboring countries, China and Korea. Undoubtedly treaty revision<sup>1</sup> was an important feature of the Government's policy, and from time to time, but especially after 1885, it assumed a place of great prominence

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1. Treaty revision always meant to the Japanese the recovery of their national autonomy by abrogating the extra territorial privileges of the foreigners resident in the country, and the conventional tariffs upon imports.



in the general politics of the nation. In 1887 Count Inouye and Count Ōkuma in 1889 were forced to resign the portfolio of Foreign Affairs, not because of their failure to revise the treaties, but on account of the nature of the concessions they proposed to make to the Powers in return for the abolition of extra-territoriality. Relations with China and Korea occupied a somewhat different place in the popular estimation, for while the Treaty Powers could hardly be made the objects of chauvinistic agitations, the neighboring countries—especially Korea and the outlying insular dependencies of China—could and did serve as the prey of the ultrapatriotic imperialists of the shizoku class, until 1876 at any rate. Expansion and aggrandizement of the Empire had formed an integral part of the teaching of the loyalist schools<sup>1</sup> before the Restoration, and it was probably as a result of the ideas imbibed during the decade before 1867 that the samurai in the ten years following proved themselves so eager to enter upon a policy of aggression against their neighbors. What with treaty revision on the one hand and imperialism on the other, foreign relations played a large part in the political history of this period.

The first political event of importance was the break-up of the coalition formed in 1871 for the purpose of abolishing feudalism. That combination had lasted for two years, and if changes in the customs of the people and in the forms of government be taken as the criterion, it had accomplished an amount of work that seems almost incredible. In the closing months of 1871 a steady stream of ordinances had poured out from the Council of State, relating to the habits and customs of the people, their dress, methods of wearing the hair, and ceremonial manners,

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1. Yoshida Shōin, the Chūshū patriot, had written a book in which he predicted as a consequence of unifying the nation under the Emperor, the absorption by Japan of Formosa, the Kurile Islands, Kamchatka, Korea and a large part of Manchuria and Siberia. It was the failure of the Government to carry out immediately this attractive program which disappointed the warrior class during the early years of Meiji. It is significant that Yoshida's prophecy has been fulfilled since the coming into power of the military party in 1894.



to the stratification of society, to proposed public works such as railways and telegraphs, etc., etc. Early in 1872 the land tax was made payable in money instead of grain and the conscription law of 1870<sup>1</sup> was put into force. Literally speaking, hundreds of ordinances were issued. The results of this orgy of change became apparent in 1873, when from January to June riots and disturbances of a more or less serious nature occurred in practically every thickly populated part of the country. It is not our purpose to enter into the details either of the uprisings or their causes; it is enough to say generally that the malcontents belonged almost entirely to the agricultural class and that their grievances were in nearly all cases connected with the changes in the established local customs introduced by the Government in an attempt to make the people realise the meaning of the abolition of feudalism. The objection of the peasants to conscription, the payment of the land tax in money, and a variety of other regulations, showed how little they had outgrown the customs of the old order, or comprehended the aims of the new Government. In each particular locality the disturbances were quickly suppressed, either by the police or the samurai of the neighborhood. It is noteworthy that in the first half of 1873 the shizoku remained loyal to the Government, for as yet no attempt had been made by the latter to repudiate the pension schedules of 1871. As we shall see shortly, when at the end of 1873 the samurai pension problem was attacked by the Government, disturbances of a very serious nature became frequent.

But the coalition government of 1871 did not confine itself to matters of domestic policy, for it undertook to solve that question in its foreign relations which was destined to prove most difficult, the revision of the treaties. In December 1871 an embassy<sup>2</sup> headed by Iwakura Udaijin and including Kido,

1. *Infra* pp. 17-18.

2. The Imperial commission was in part as follows:—

"I now send you to several foreign countries abroad as Ambassadors, edging from your ability and loyalty, I do not doubt that you will perform

Ōkubo and Ito, set out to visit America and Europe for the purpose of negotiating with the governments of the various Treaty Powers for a revision of the original treaties, most of which expired in 1872. The embassy failed in its object and returned to Japan in September 1873. In the meantime the Government, in which Saigō, Soyejima and Itagaki were the leading men, had occasion to enter into negotiations with China, and Soyejima, who was Minister of Foreign Affairs, had been despatched to Peking in March 1873, and secured permission as far as Peking was concerned for a punitive expedition<sup>1</sup> against the savages of South Formosa which the Japanese Government had been contemplating. Likewise relations<sup>2</sup> between Japan and Korea had become so unsatisfactory that an invasion of that country had been practically decided upon.

Such was the situation when the two parties in the Government, that which had gone abroad and that which had stayed at home, met again in September 1873. It was inevitable that there should now be a clash of views. The complete failure of the ambassadors caused great dissatisfaction, not only to the stay-at-home section of the Government but throughout the country, and naturally compromised their reputations and prestige. The members of the mission, on the other hand, were not slow with a *tu quoque*, for not only had the Government stirred up in the country during their absence an almost universal discontent among the lower classes, but had jeopardised the long-standing friendly relations with China and Korea. This unseemly dispute within the Government was, however, only the outward

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your duties with diligence, and will accomplish with success the mission now entrusted to you."

The audience at which this commission was delivered to Iwakura was held on December 15, 1871. The translation is taken from the *J.W.M.*, 1872, p. 2.

1. The savages of South Formosa had been guilty of atrocities against certain Loochoons who had been shipwrecked on their coasts.

2. The cause of the strained relations with Korea was its refusal to pay the usual tribute to Japan, a refusal which it was said was couched in very insulting terms.



manifestation of the difficulties of the time ; beneath the surface issues of a fundamental nature lay hidden, upon which the members of the old coalition differed so seriously that a new alignment became necessary of the powers which had till 1873 supported the Imperial cause.

The main question in dispute was one of war or peace, a policy of stirring up embroglios with the neighboring powers or of peaceful progress with the great work of domestic reconstruction. For the time being that was the only important question at issue between the two sections of the Government, and as the peace party<sup>1</sup> got the upper hand the advocates of war-like measures either left the Government or changed their views. Soyejima resigned his post as Minister of Foreign Affairs, and along with him Saigō<sup>2</sup>, Itagaki, Gotō and Etō left the Council of State. To fill the vacancies in the Daijōkwan Kido, Ōkubo, Ito and Katsu Awa were appointed. Ōkuma<sup>3</sup> became Finance Minister, Terashima, Minister of Foreign Affairs, Katsu Awa and Ito Ministers of the Navy and Public Works respectively. Iwakura remained Udaijin. Ōki retained his place at the head of the Department of Education, and the office of Sadaijin was left vacant.

By what arguments or influences the peace party secured the adoption of its policy it is unnecessary to inquire, for the

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1. This consisted of Iwakura, Kido, Ōkubo and Ito, the war party of Saigō, Soyejima, Itagaki, Gotō and Etō ; in the Korean incident Saigō, the Daijōdaijin, had sided with the war party, but reserved his final decision until he should have an opportunity to consult with Iwakura and the other members of the mission upon their return.

2. Though he resigned from the Daijōkwan, Saigō retained his place at the head of the Imperial forces.

3. Ōkuma had been Minister of Public Works since the end of 1870 (see p. 17, foot note), and now replaced Inouye in the Finance Department. Upon the occasion of his resignation of that office Inouye along with Shibusawa, the Vice-Minister, had presented to the Government a statement of the national finances which maintained that the country was on the verge of bankruptcy. For a translation of this document see *J.N.M.*, 1873, May 17, pp. 325-28.

advocacy of three such men as Iwakura, Kido, and Ōkubo would be likely to carry the day for any policy they saw fit to uphold. In spite of the fact that they had lately returned from an unsuccessful mission abroad, they were still the men who carried most weight in the counsels of the State. Their tour through America and Europe had enlarged their outlook upon international affairs and shown them the danger of foreign complications, and the comparison between the material wealth of the Western Powers and their country, which they could not help but make during their progress, revealed to them the handicap under which Japan must enter into the struggle for a national existence. To them the work of paramount importance, which needed to be accomplished with the greatest degree of celerity, was the reconstruction of the Government upon the basis of a contented people, the development of the economic resources of the country and the creation of suitable military establishments. No energy was therefore to be wasted upon quarrels with nearby countries. Everything was to be expended upon the improvement of domestic conditions and the increase of national power. This purpose was adhered to in the main throughout the whole of the first half of the Meiji era as the guiding principle of the government. Deviations from a policy of peaceful progress were not of the government's making, but were forced upon it by the exigencies<sup>1</sup> of the times.

Besides the reorganisation of the Government in October 1873, this year witnessed the beginning of the effort to deal with and dispose of the problem of the samurai pensions. We have already referred to the financial burden which was imposed upon the nation by the payment of these pensions: not only was nearly half the annual revenue of the Government absorbed for this purpose, but what was even more obnoxious to the people,

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1. When at the beginning of 1874 an attempt was made upon Iwakura's life and rebellion broke out in Hsen and Saga, the nerve of the peace party was shaken and they were led into sanctioning the raid against Formosa as a means of disposing of a considerable body of the excited shizoku.

some 400,000 families were enabled to live in idleness, serving not even their original purpose as defenders of the State since a standing-army drawn by conscription from all classes had already been provided for by law. Furthermore, the pensions, which had been calculated, at rates rising from one-tenth, upon the basis of the previous revenues of the samurai, were very small, the great majority being less than 100 *koku* (£100), and did not enable the samurai to live except on the most frugal scale. A more unfortunate situation could hardly have existed, for while the aggregate of the pensions was so great as to almost cripple the Government, the amounts received by most of the pensioners were so small that they could barely exist. Thus neither party was satisfied with the arrangement. The motion<sup>1</sup> on the part of the Government in December 1873 to establish a system of voluntary commutation of the pensions was regarded by the samurai with the greatest consternation, as the beginning of a course which would ultimately lead to compulsory capitalisation. This suspicion was not without warrant, for the voluntary surrender of their fiefs by the four western lords in 1869 had led in the following year to a Government order demanding the handing back of all the feudal registers, and in 1871 to the formal abolition of the Han. To confirm this suspicion, the imposition of an income tax upon those who refused to capitalise their pensions was decreed,<sup>2</sup> which was regarded by the samurai as not only a diminution of their already inadequate pittances, but also as a threat to drive the most timid and needy into accepting the Government's terms, a process which if it attained any considerable proportions would be used later as the excuse for making capitalisation compulsory upon all. To disguise the harshness of this measure the Government held out to the samurai the prospect of buying crown lands cheaply with the bonds received as the capital value of their

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1. *Infra* vp. 558-62.

2. *Infra* p. 558. The schedule attached to this law showed a rapidly progressive income-tax. See *J.W.M.*, 1874, p. 133.



pensions, or it was pointed out to them that they might effect an entrance into trade or industry by means of these bonds. But the shizoku were on the whole wise in their own interests when they refused to part with their pensions, and preferred the security of an assured income to the risks of agriculture or trade or other gainful occupations. By training they not only despised such forms of labor, but were unfitted to succeed in them. Much of the suffering which the shizoku endured when a few years later capitalisation was forced upon them arose from their complete ignorance of business, their simplicity and inexperience making them the dupes of all sorts of carpet-baggers, whose operations ceased only when all the pension-money had been transferred to their own pockets.

Whatever may be said in justification of the Government's policy, either on the score of the necessity of relieving the overburdened national treasury, which shortly before had been abandoned as a sinking ship by Inouye and Shibusawa, or the desirability of encouraging an idle class to enter upon a more honorable and useful career of industry, the fact remained that the shizoku regarded the measure as an act of injustice, both immediately and in its probable consequences. Unjust it undoubtedly was, when regarded from the point of view of those directly concerned. A solemn engagement entered into by a Government ought not to be repudiated, and cannot be without a breach of faith. The case is not altered by any admissions of inexperience or lack of foresight, or pleading of evils consequences which had arisen in carrying out the terms of the engagement. As we have already pointed out, the Government in 1871 forced upon the country a measure which involved numerous changes in the lives of the people, changes which were not demanded by public opinion, and in order to secure the support of the powerful military class for that measure, pensions in perpetuity or for one or two lives were offered and received in good faith, to the satisfaction of all parties concerned,—except perhaps the common people. Two years later the

Government saw fit to ignore completely the significance of the words "in perpetuity" <sup>1</sup> or "for one or two lives" as applied to the pensions, although these had been made small,—one-tenth of the former revenues in some cases,—because they were to be hereditary. Good faith with the shizoku was broken and the Government soon was made to feel the consequences of its temerity.

The year 1874 opened with an attempt to assassinate Iwakura, <sup>2</sup> and shortly afterwards rebellion broke out in Hizen and Saga. <sup>3</sup> But of far greater general interest and significance among the early events of 1874 was the launching of the campaign for an elective assembly <sup>4</sup> by the four ex-Sangi, Soyejima, Itagaki, Gotō and Etō, and their friends. The unrest in the country which produced these dissimilar results is not to be simply explained, but it may be observed first that the excitement was confined almost entirely to the shizoku, and second that judging by the accusations brought against Etō and his associates in Hizen and Saga, the samurai's treason had been animated by an intense desire to preserve the honor of the country against the insults of the Koreans, and to restore the feudal institutions of pre-Meiji days. While these aims may be understood and respected as typical of the military class, both were diametrically

1. An interesting analogy to this case may be found in the "perpetual leases" held by foreigners in the former "Settlements."

2. The attempt was made on the evening of January 14th. The assailants, nine samurai of Kōchi Ken, were sentenced to death on July 9th, to expiate "the crime of conspiring together in a band of nine persons and wounding Iwakura Udaijin,—in the hope that by his murder the counsels of the Government might be shaken in regard to the expedition against Korea, the non-execution of which you were dissatisfied with." For the names of the samurai see *J.W.M.*, 1874, July 11, p. 562.

3. On February 19th, a Notification was published over the name of the Daijōdaijin stating that the rebellion commenced with an attack on the Kenchō on the 15th inst. For participation in the Saga rebellion twelve samurai were executed, and many others sentenced to imprisonment for varying terms of years. See *J.W.M.*, 1874, May 2, p. 350.

4. *Infra* pp. 426-33, 440-48.

opposed to the policy of the Government. But there was another section of the military class which, however much it sympathised with its brethren in desiring the punishment of the insolent Koreans, was in favor not of reverting to feudalism but of pressing forward toward popular government. These different aims of the shizoku in part determined the methods resorted to, methods which ranged all the way from assassination<sup>1</sup> and open rebellion to sober arguments upon political theory. In accounting for these differences the personal characters of the men immediately concerned have to be taken into account. Some were more cautious than others, some more enlightened. Etō Shimpei had been a member of the Council of State until October 1873, and in January 1874 his name appeared among the signatories of the memorial<sup>2</sup> praying for the establishment of an elective assembly, but in February he threw all caution aside and broke out in open revolt. His former friends and colleagues merely entered into a controversy with the Government's champion, Kato Hiroyuki, over the pros and cons of representative government in Japan. Maebara, a Chōshū samurai, was an example of a man of intense loyalty to the Throne, who had been taken into the Government in 1869, but proving intractable and reactionary, was sent back to his home. From that time on he brooded upon the wrongs of his class, lamenting the change in the lives of the people, and finally rebelled openly and forfeited his life. Saigō Takamori was likewise in and out of the Government by turns, but all through his career he is said to

1. Political assassinations have always been regarded in Japan with a leniency that can only be explained by the defects of the traditional military despotism of the governing class. To go back no further in the history of the country than 1860 and beginning with the murder of Naosuke Ii (Ii-Kamon-no-Kami), a long succession of attempts on the lives of prominent members of the Government is on record, the latest occurring only a few months ago. Even the enlightened Government of Meiji cannot be said to have altogether set its face against the practice, for there is still held each year in Tōkyō a celebration in honor of the Mito clansmen who murdered Ii, which has been attended by Princes of the blood and high Government officials.

2. *Infra* p. 427.



have objected to the new regime. With the greatest caution he laid plans and calculated the chance of overthrowing the Government. Soyejima, Itagaki, and Gotō, with a self restraint that was remarkable, followed only legitimate courses in their opposition to the Government. Yet of all the samurai whose names we have mentioned, Saigō at present holds the highest place in the esteem of the nation and Soyejima, Itagaki and Gotō the lowest.

But whatever analysis is made of the motives and personal characteristics of the opponents of the Government, the fact of most consequence is the action taken by the latter for the solution of the difficulties in which it found itself early in 1874. The actual risings in Hizen and Saga were suppressed with such despatch that by the beginning of March the Government could announce that peace had been restored. The shizoku in general were partially placated by sanctioning a punitive expedition<sup>1</sup> composed of some three thousand men under the command of Saigō Yorinichi<sup>2</sup>, against the savages of South Formosa. Having thus pacified the rank and file of the samurai, the Government sought to adjust its differences with the great leaders of the opposition. A meeting at Ōsaka was arranged by Ito and Inouye between Ōkubo, the strong man of the Government, and Kido, Itagaki, Soyejima and Gotō, and the compromise<sup>3</sup> effected upon that occasion included the establishment of the Genro-in<sup>4</sup> and Diishin-in<sup>5</sup>, two new organs of the

1. This expedition cost the Government 5,400,000 yen and the services of Kido, who objected to its despatch to the extent of resigning from the Council of State, though he still retained his office as Minister of Education,—an anomaly only to be understood by taking into account the fact that the heads of administrative Departments were not necessarily members of the Daijōkwan, the supreme organ of government.

2. Younger brother of Saigō Takamori. The departure of the expedition was officially announced by Imp. Notif. No. 65, May 19, 1874.

3. The terms of the compromise are given in Uyehara, *Political Development of Japan*, pp. 81-82.

4. *Infra* p. 42.

5. *Infra* p. 42.

Central Government, the calling together of the Chihokwan-kwaigi<sup>1</sup>, an Assembly of Local Officials, and the reorganisation of the various administrative Departments of State. Itagaki was the only member of the opposition who refused to accept the compromise, demanding instead of the Genro-in an elective assembly. He was not allowed to remain long recalcitrant, for the Government shortly afterwards forced him into the Council of State by means of an Imperial Rescript<sup>2</sup> ordering him to accept office. About the same time Shimadzu Saburo was induced to accept the vacant post of Sadaijin. By this process harmony was again restored, and the excitement in the country mitigated by the appearance of unanimity among the leaders of the Government.

For some two years, by the aid of a rigorous enforcement of the press laws<sup>3</sup>, peace was maintained throughout the country and the Government was comparatively free to proceed with the work of reconstruction. The Constitution and Rules of Procedure for the Chihokwan-kwaigi<sup>4</sup> were issued, and a meeting was convoked for September 1874, but on July 10, it was indefinitely postponed<sup>5</sup>. In April 1875 the Sa-in and U-in were abolished<sup>6</sup>, and the Genro-in and Daishin-in established and rules<sup>7</sup> promulgated to govern their actions. Various public works were pushed forward as fast as the finances would permit. But early in 1876 Itagaki again resigned on the ground that the Government had failed to carry out the terms of the Ōsaka compromise. He had been preceded by Shimadzu and Saigō, and the Gov-

1. *Infra* p. 505 ff.

2. This was an early example of a device which was and still is in frequent use, of which the Government avails itself in the last resort to silence its opponents. In the three or four months from December 1912 to February 1913 no less than three such Rescripts were issued, one to the late Prince Katsura, one to Marquis Saionji, and the third to the present Minister of the Navy, Baron Saito.

3. *Infra* pp. 534-35, especially Articles X, XI, XV.

4. *Infra* pp. 505 ff.

5. No meeting of the local officials was actually held until 1875.

6. *Infra* p. 42.

7. " *PP.* 43-50.

ernment again lacked the support of the leading men of Tosa and Satsuma. The trouble was further aggravated by an order compelling the samurai to accept the Government's terms<sup>1</sup> for capitalising their pensions, as well as by a new embroglio with Korea<sup>2</sup>. The shizoku were still burning for vengeance upon the neighbouring country, and the prompt settlement of the points in dispute only further inflamed their anger.

Whatever the immediate cause of the outbreak in Satsuma<sup>3</sup>, whether the discovery of a plot against the life of Saigō<sup>4</sup>, or the Government's attempt to remove the arsenal from Kagoshima to Ōsaka<sup>5</sup>, the struggle between the clan and the Imperial authorities was unavoidable. Satsuma was opposed to the new order root and branch and desired a return to the old except as far as the Shōgunate was concerned. It is difficult to come to any other conclusion with regard to this rebellion than the obvious one, that treason on a large scale and, paradoxical as it may seem, animated by loyalty to the Emperor, was deliberately planned and carried out. The whole incident is difficult to comprehend partly owing to the conspiracy of silence with regard to it among the Japanese themselves and partly to the (to foreigners) unexpected workings of the Japanese mind.

Satsuma had been the foremost of the clans which brought about the Restoration, and its services to the Imperial

1. *Infra* pp. 562-66. This order was promulgated on August 5, and was followed by memorials from the western parts of the country, especially Satsuma, protesting against the measure and praying that payments be continued as before. The Government listened to these petitions to a certain extent and sought to mollify the rising anger of the western samurai by offering in December slightly better terms, but refused to alter the principle of its August Notification. See foot note to p. 563 and *J.H.M.*, 1876, p. 116a.

2. The trouble on this occasion arose out of the firing on a Japanese vessel by a Korean fort.

3. An account of the ultimate causes of the rebellion as well as the actual military operations which were carried on in the course of the spring and summer of 1877 is given in Mounsey, *The Satsuma Rebellion*, London, 1879, an interesting and valuable book now out of print and very scarce.

4. Mounsey, *op. cit.* Appendix, pp. 275-78.

5. Uyehara, *op. cit.* p. 83.



cause on that occasion were such as could never be forgotten. Saigō Takamori, its military leader, had received a personal letter of thanks from the Emperor and a pension of 2,000 *koku* a year. From 1867 to 1870 the clan continued to support the Government, and after 1871 seemed absolutely committed to the policy of the new authorities. Nevertheless the Satsuma samurai remained true to the clan interests, and its feudal traditions. Its leaders Saigō and Shimazu Saburo blew hot and cold, but never were whole-hearted in their support of the Tōkyō Government. Living at the South-western extremity of the Empire it was so slightly affected by the changes which had taken place that when in 1874 Shimadzu came up to Tōkyō with a number of his men, their fierce appearance terrified the citizens of the capital. It was evident from that significant display that Satsuma remained much as it had been in customs and modes of thought, even though it submitted to the new institutions; outwardly it had sanctioned the abolition of feudalism, but inwardly it retained everything feudal, especially its allegiance to Saigō and Shimadzu. Furthermore it disagreed with the authorities in everything except the maintenance of the Imperial House. Not only so, but it claimed for itself the privilege, which throughout Japanese history had been regarded as legitimate, of regarding the Government of the day as a body of men who, having possession of the person of the Emperor, used the Imperial name and prestige as the justification of their own despotic rule. Criticism of any government for usurping the power of the Throne was always considered valid by its opponents, since the Emperor himself was never looked upon as a part of his administration. Hence it was always possible to hatch treason against the authorities and at the same time claim loya'ty to the Emperor. Such was precisely the attitude adopted by Satsuma after the Restoration, therefore the clan thought it possible to destroy the Government, release the Emperor from his bondage, set a new yoke upon his shoulders, and in his name reform the administration

by making it conform to their own views of what was wise or necessary.

If this reading of the Japanese mind is correct, and there are numerous instances in the history of the nation which support it, the outbreak in 1877 takes on the semblance of a loyal but mistaken insurrection, a view which explains not only the action of the nation in continuing to admire the spirit of the clan, but the attitude of the Government in suppressing the revolt.

The significance of the Satsuma rebellion, which was suppressed after only about six months' fighting, lies not so much in the expense<sup>1</sup> to which the Government was put and the consequent financial burden imposed upon the country, nor in the sacrifice of life<sup>2</sup> involved, as in its effects upon the general political situation. On the side of political theory it made it obvious that it was no longer possible to separate the Throne from the Imperial Government, and that loyalty to the former could not be advanced as a pretext for an armed attack upon the latter. Likewise the rebellion demonstrated that the continued existence of a feudal organisation, such as Satsuma had kept up, was impossible in the face of the Central Government. The most powerful independent military clan, capable of putting 30,000 armed men in the field, was defeated by the forces at the disposal of the central authorities. Moreover, the fact that the revolution did not spread beyond the limits of the clan, even at a time when the whole military class was in a state of profound discontent, showed how thoroughly the nation had absorbed the main political ideas of the Restoration. It had been generally recognised that opposition to the Government must follow along peaceful lines, and set its course under the guidance of educated public opinion, not by the desperate counsels of military fanatics.

Not only did the rebellion of 1877 clear the political at-

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1. Official figures put the sum at 42,000,000 yen.

2. 13,399 killed and 21,523 wounded. See Mounsey, *op. cit.* p. 233.

mosphere, but it chastened the Government by revealing the blunders of earlier years, as well as the consequences of an almost total disregard for the feelings of the nation. The assassination of Ōkubo<sup>1</sup> in 1878 brought home to the Tōkyō authorities the intensity of the shizoku's animosity, and at the same time removed the most powerful man in the Government, the man least disposed to consult the wishes of the people. After the death of Ōkubo, Ito stepped into the position of leader, which he held throughout almost<sup>2</sup> the whole of a long and brilliant career. With him as leader the chastened Government entered upon a course of conciliation. In 1878 elective assemblies<sup>3</sup> for the Izu and Ken were created for the purpose of introducing representative institutions in the larger administrative areas, and in the same year it was decreed that the Kochō, the executive official of the town or village, should be elected<sup>4</sup> by the people.

This policy was not merely the immediate result of the outbreak in Satsuma, and the assassination of Ōkubo, but depended in part upon the activity of political societies in propagating liberal ideas. Briefly, these associations, of which the best known were the Risshisha<sup>5</sup> (Society of Free Thinkers) in

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1. Ōkubo Teshimichi, Councillor of State, and Minister of State for Home Affairs, was assassinated on May 14 while driving to the Palace to attend a meeting of the Daijōkwan. The assailants, six in number, were samurai from Ishikawa and Shimane Kens. Like all the other conspicuous leaders of the Restoration movement, except Iwakura, Ōkubo was of humble samurai origin. He was a Satsuma man but his whole-hearted support of the Imperial Government as against the interests of his clan led to his being regarded as a renegade. As a member of the Government he stepped into prominence in 1868, and was largely responsible for the three momentous events of that year, the prosecution of the war with the ex-Shōgun's party, the removal of the capital to Tōkyō, and the promulgation of the Imperial oath.

2. Ito's predominating influence in the Government came to an end about 1894, though for the next ten years he remained almost supreme, but after the Russo-Japanese War he was ousted from the leadership by the military party.

3. *Ibid.* p. 272 ff.

4. *Ibid.* p. 287.

5. For a statement of the principles of this society see pp. 457-80.



Kōchii Ken, and the Aikokusha (Patriotic Society) in Ōsaka, both of them founded by Itagaki, were at first local propagandist organisations, with a tendency to develop branches or enlist adherents in different parts of the country. The establishment of a national assembly was the object which all these associations had in view, and the immediate adoption of parliamentary government was the prayer of every petition or memorial they addressed to the authorities. The members of the political societies were drawn chiefly from the ranks of the student class, but the leaders were men of position and principle, and proved themselves capable of sustained interest in the main object of the movement. It was the fashion of the day among the friends of the administration to belittle the importance of the societies, and for about two years the Government allowed them almost absolute freedom in propagating their views, but finally becoming alarmed, regulations<sup>1</sup> were issued in 1880 which practically suppressed the agitation.

In the meantime, however, much had been accomplished in the way of interesting the people in popular government, and consequently the political societies played no small part in forcing from the Government the immense concession made in 1881 by the promulgation of the Parliamentary Rescript<sup>2</sup>. But the promise of a parliament to be assembled in 1890 was the result not only of a general agitation among the people for more political consideration, but of an uproar in Tōkyō over what seems a trivial incident, the proposed sale of the property of the Kaitakushi. Since this incident throws much light on so many phases of the politics of that day, a somewhat extended notice of it is justified.

The Kaitakushi (Colonial Commission) had been established in 1875 for the purpose of developing the Hokkaido, and from the beginning of its career had spent money freely on various

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1. *Infra* pp. 495-99.

2. *Infra* pp. 86-87.

enterprises. General Kuroda,<sup>1</sup> a Satsuma clansman, was the chief of the Commission. Little success resulted from the expenditure of large sums of public money and finally it was proposed to wind up its affairs. The Government sanctioned a project to sell the enterprises of the Kaitakushi in the Hokkaido for a conspicuously small sum. Opposition developed in Tōkyō under the leadership of Ōkuma,<sup>2</sup> who uncovered what amounted to a scandal<sup>3</sup> involving members of the Commission, if not of the Government itself.

Even if no serious attempt was made to punish the guilty parties, the scandal served Ōkuma's purpose, and made him a popular hero. Upon the crest of this wave of sentiment he sought to carry through a *coup d'état*, the object of which was to commit the Government to the establishment in 1883 of an elected national assembly. To this end he memorialised the Emperor, but the prayer of his petition was rejected, and instead there appeared an Imperial Rescript promising the desired institution in 1890. Ōkuma immediately resigned his office, and the incident was closed for the time being.

In this short series of events two characteristic features of Japanese political life stand out clearly, the corruptibility of the officials, and the susceptibility of the Government to displays of

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1. General Kuroda was certainly the greatest enigma of this period. He was a man of no great attainments and on no occasion rendered any especially distinguished services, yet his reputation among the people and his influence with the Government were enormous.

2. Ōkuma, who was Minister of Finance, obviously had plans of his own when he undertook to lead the opposition as against the Government. He aspired to be leader of the popular movement, the strength of which he apparently overestimated, for while he succeeded in causing the Government to reconsider, and revoke its decision in the Kaitakushi deal, the authorities were not to be stampeded into the immediate establishment of an assembly elected by the people.

3. The scandal consisted in the Commission's proposal to sell to a company composed of a number of ex-officials its entire property in the Hokkaido for a fraction of its physical value, under an arrangement by which little or no money changed hands.

mob violence. Kuroda and his subordinates in the Kaitakushi were by no means the only grafters<sup>1</sup> of their day; their offence was noised abroad not so much for its own sake as to serve the purposes of the Minister of Finance in discrediting a government which he was planning to overthrow. Japanese politics have always been cursed with the Government's habit of giving in or finding a scape-goat upon all occasions when the mob gathers. It may be that a despotic oligarchy can only be tempered by violence of some kind; at any rate in 1881 we have an early example of the kind of pressure upon the Government which became all too frequent in succeeding years.<sup>2</sup>

After the definite promise to convoke a parliament in 1890, the interest in politics by no means slackened, it merely took on a new form. The years 1882 and 1883 witnessed the organisation of a number of political parties<sup>3</sup> whose operations, coupled

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1. The history of graft during the Meiji era, when some day it can be written, will form an interesting parallel to the eighteenth century in England. Between the two stories there will be one curious difference, however, for in Japan there was little if any sentiment against dishonesty in public life. The common people for many years after the Restoration did not learn to regard the affairs of State as of any interest to them, hence the public funds, especially the receipts from foreign loans, were considered as essentially different from private funds, and their expenditure as not governed by the ordinary rules of honesty. A public man was regarded by the people as abnormal if during his term of office he did not acquire a competence, hence honesty in the great offices of State was admired all the more because where it did exist it was from choice, not necessity; but dishonesty was not a sufficient offence to drive any man from office under ordinary circumstances. With such a public sentiment, the result both of feudal traditions and Chinese philosophy, there is nothing remarkable in the all but unbroken uniformity of the practice among the highest officials of starting life in comparative poverty and dying millionaires.

2. During the last two years the fate of the Government has depended largely upon the wish of the Tokyo mob, and what is even more dangerous, the foreign policy of the Government seems to be dictated by the street crowds or their mouth-pieces, the newspapers.

3. The Liberal Party (Jiyuto) was founded in October, 1881 by Itagaki and Gotō, the Liberal Conservatives (Kaishinto) in April 1882 by Ōkuma, Ono, Mutsaers, Aoki, etc., and the Conservatives (Teiseito) by Fukuchi, the editor of the *Nichi Nichi Shinbun*. All three parties advocated progress, the first two desiring



with the existence of severe industrial depression, produced in 1884 a series of disturbances in Saitama, Ibaraki and Fukushima Kens, for suspected complicity in which they were disbanded<sup>1</sup> or disowned<sup>2</sup> by their leaders.

From this time on the interest of the people was concentrated on treaty revision, while the Government spent most of its energies in preparing for the great organic changes to be introduced into the national polity in 1890, but in respect of these secrecy was absolutely preserved, and all attempts to discuss them were discouraged. Foreign policy, as we have seen, had furnished on various occasions in the past the grounds of dispute between the Government and the opposition. In 1873 and again in 1876 opposition had come from a very narrow circle, the samurai, but in 1887, after a lapse of more than ten years, in which the political education of the people had been fostered by a number of societies and by the press, public opinion had become a powerful instrument in the hands of the opponents of the Government. For some reason, probably because of the na-

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rapid, the third a slower rate. The principles of these parties may be summarised as follows:—

1. The Jiyuto: extension of liberty, security of individual rights and the promotion of the welfare of the people.

2. The Kaishinto: preservation of the Imperial House, improvement of internal administration and consequent extension of national rights, the establishment of local self-government, extension of the franchise, diminution of diplomatic dealings and resumption of specie payments.

3. The Teiseito: preservation of the Imperial House, the conduct of internal administration with the object of preserving the national reputation and promoting the welfare of the people, in foreign relations to extend the rights of Japan and maintain her honor among the nations, gradual and deliberate progress, and resumption of specie payments. Cf. *J.P.M.*, 1882, Nov. 4, p. 1145.

1. On October 29, 1884, at a general meeting of the Jiyuto held in Ōsaka, a resolution was unanimously adopted to dissolve the party. The concluding sentence of the resolution read, "We, therefore, dissolve the organisation of the liberal party, and wait for an opportunity when society will be prepared for its reconstitution." See *J.P.M.*, 1884, Nov., pp. 447, 501-03, 525-26.

The Teiseito was disbanded in 1883.

2. On December 21st, 1884, Ōkuma, Kanō and Mayeshima resigned from the Kaishinto, after the party had refused to dissolve. The letter of resignation may be read in the *J.P.M.*, 1884, Dec. 21, p. 628.

tional vanity, fostered by the Government in the name of loyalty<sup>1</sup> for militarist purposes, foreign relations had become of far greater interest than internal administration. In 1887 Count Inouye,<sup>2</sup> the Minister of Foreign Affairs, had secured the consent of the Cabinet<sup>3</sup> to a program of treaty revision, which proposed to placate the Powers and secure their consent to the abolition of extra-territoriality by a wholesale adoption of western customs and institutions. Negotiations were opened with the representatives of the Treaty Powers in Tōkyō and were quickly brought to a stage where only the signatures of the contracting parties were necessary. At this point the Cabinet felt itself under the necessity of denouncing the whole project, for the terms of the proposed revision were strenuously opposed by the populace upon grounds of loyalty. After this fiasco, the immediate result of which was Inouye's resignation<sup>4</sup>, the opposition, far from being satisfied with having blocked Inouye's project, redoubled its agitation for treaty revision. Associations<sup>5</sup> were formed, some openly, some secretly, and the fury of the people was further intensified by the Cabinet's rejection of Viscount Tani's chauvinistic memorial<sup>6</sup> advocating immediate revision on terms suitable to the public taste. By the end of the year the situation had become so threatening that the

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1. The necessity of maintaining equality with foreign nations was constantly referred to, especially in the Imperial Rescripts, and thus an undue sensitiveness upon the subject was fostered among the people.

2. In 1884 the rehabilitation of the nobility had been decreed and some five hundred peerages created. *Infra* pp. 88-89.

3. In 1885 the Daijōkwan had been abolished, and a Cabinet (Naikaku) created in its stead. *Infra* pp. 94-95.

4. July 29, 1887.

5. The most imposing of the public associations of 1887 was the Daidō Danketsu (Union-in-Large-Party) formed by Count Gotō. The history of Gotō's connection with the party came to an end upon his entry into the Cabinet in March 1889, as Minister of Communications. He tried to explain his action in joining the Government upon the ground that he could better serve the party as a member of the Cabinet, but the party disowned him. The incident caused an immense excitement. Cf. *J.W.M.*, 1889, March 30, pp. 298.

6. *Infra* pp. 596 ff.

Government saw fit to forcibly suppress the disturbance by issuing on December 25, the Peace Preservation Law<sup>1</sup>, a draconian ordinance which provided for the banishment from Tōkyō of all the malcontents. This harsh measure had an immediately salutary effect from the Government's point of view, for the capital was terrorised into submission.

In February of the following year the Government, by taking Ōkuma into the Cabinet as Minister of Foreign Affairs, sought to reinstate itself to some extent in the estimation of the people, and then went on with the work of preparing for the program of the following year. The Privy Council<sup>2</sup> (Sūmitsu-in) was created and rules for its organisation issued in April, and in the same month Ito resigned the office of Minister President to become President of the new institution, the immediate purpose of which was to approve of the final draft of the Constitution.

Thus in the enforced quiet of the Peace Preservation Ordinance the country moved on toward the event so long anticipated and so ardently desired, the promulgation of the Constitution and its accompanying Laws. The felicity of the occasion was marred only by the regrettable assassination<sup>3</sup> of the Minister of Education, Viscount Mori, on the morning of February 11, as he was about to set out for the Palace to participate in the ceremonies of the day.

#### IV.

##### THE RECONSTRUCTION: CENTRAL GOVERNMENT.

The work of reconstructing the institutions of both the central and local governments was begun immediately after the abolition of feudalism. Before that event all measures involving changes in the system may be regarded as either provisional

1. *Infra* pp. 502-4. This law was not repealed until 1898.

2. *Infra* pp. 127-133.

3. This was not a political assassination, but the act of a religious fanatic. For the details of the incident see *J.H.M.*, 1889, March 2, p. 201.



or as leading up to the substitution of the Ken for the Han, for as long as feudalism lasted no real beginning could be made upon permanent<sup>1</sup> lines.

At the time the Han were abolished, a Commission was established and charged with the planning of a reorganisation of the Central Government.\* Kido was appointed President and Saigō Vice-President, and among the members of the Commission were Ōkuma, Gotō, Inouye, Terajima, Itagaki, Ito and others of the advanced liberal group. As a result of their deliberations the Daijōkwan was divided into three Boards,<sup>2</sup> the Sei-in (Central Board), the Sa-in (Left Board), and the U-in (Right Board), and at the same time the office of Sangi<sup>3</sup> (Councillor) was created. By this means the complicated arrangements of 1868 were simplified, for the first two offices<sup>4</sup> of the system established at that time, the "Deliberative Assembly" and the "Lords President of the Council," were abolished and their functions handed over to the three Boards. The powers hitherto exercised by the Upper House of the Deliberative Assembly and the Lords President, devolved upon the Sei-in and the U-in, while those of the Lower House were handed over to the Sa-in. The U-in was composed of the heads of the administrative Departments, some of whom were appointed Sangi and thus became members of the Sei-in. The problem of greatest difficulty, however, concerned the composition and powers of the Sa-in, the Left Board. In 1868, the Lower House, which was commonly called the Kōgishō, was made up of the Kōshi<sup>5</sup> (representatives of the Han), but after the abolition of the clans some other device had to be adopted for the purpose. The Sa-in, therefore, was made to consist of members appointed by the Emperor. As to the powers which should be exercised by

1. *Infra* p. 34, foot note.

2. " pp. 34-35.

3. This was the name used at the time for the ordinary members of the Council of State.

4. *Infra* pp. 10-12, and *supra* p. xxxvii.

5. *Infra* pp. 20-21.

that body, it was evidently considered more in accordance with the plans of the ruling clique to limit them strictly to giving advice upon projects of law proposed by the Daijōkwan<sup>1</sup> than to confer any independent powers of legislation. Although much had been said about carrying on the government in accordance with public opinion, yet little or nothing was done to give effect to that democratic principle, for no independent legislative body was ever set up in the Government, not even when the Diet was convened in 1890.

Under the system of government established in 1871 the supreme power in the State was exercised by the Daijōkwan. The Sei-in and U-in divided between them all the substantive powers, the former controlling the general policy and supervising the administration, the latter carrying out the administrative measures. The Sa-in remained a shadow, with advisory powers, but neither influence nor authority: it is evident that in creating it the Government gave up all thought of consulting or being guided by public opinion.<sup>2</sup> Though it preserved the appearance of a legislative body it made no pretence to representing the ideas of even the shizoku.

During the next three years this organisation persisted,<sup>3</sup> though from time to time changes were made in the administrative Departments. In 1872 the Department of the Army and

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1. As to the personnel of the Daijōkwan, Sanjō became Daijōdaijin, Iwakura Udaïjin, and Kido, Saigō, Itagaki, and Ōkuma Sangi. In the early part of 1873, after Inouye had resigned from the Finance Department, Gotō, Ōki, Soyefjima, and Etō entered the Government; but before the end of the same year and as a result of the split over Korea, Saigō, Itagaki, Soyefjima, Gotō, and Etō resigned their offices, and left the affairs of State under the control of Sanjō, Iwakura, Ōkubo, Ōkuma, Terajima, Kuroda, Ichiji, Ito, Yamagata, and Katsū Awa. Early in 1874 Kido, Itagaki, and Saigō were reappointed Sangi, and later in the year Shimadzu joined the Government as Sadaïjin, a post from which he soon retired.

2. The failure of the Government to create an independent legislative organ formed one of the grievances of the seceding Sangi in 1873. Cf. Kido's Discourse pp. 567-77, and Soyefjima's Memorial p. 426.

3. *Ibid.* p. 35 for some changes in the names of the officials.

Navy (Hyōbushō) was abolished,<sup>1</sup> and in its place the Department of War (Rikugunshō) and the Department of the Navy (Kaigunshō) were created. In the following year the Department of Home Affairs<sup>2</sup> (Naimushō) was set up, and large powers of control over the internal administration bestowed upon it.

The next important reorganisation of the Government occurred in 1875, when the three Boards were abolished, and in their room were set up three new institutions, the Daijōkwan,<sup>3</sup> which has been translated as "Privy Council," the Senate<sup>4</sup> (Genro-in), and the Supreme Court<sup>5</sup> (Daishin-in). The ostensible object of these changes was to divide the Government into executive, legislative, and judicial bodies, but the real object was not so obvious. That the little coterie of oligarchs had any intention of setting up an independent legislature or judiciary when they established the Genro-in and the Daishin-in may be positively denied, and that they intended to concentrate all power in the Daijōkwan may be as positively asserted. An examination of the rules and regulations governing these various institutions leaves no doubts in the mind of any reader. The Senate was so hedged about that it could do practically nothing more than had been done by the Sa-in, which, as we have seen, had no substantive powers in legislation; likewise the rules laid down for the Supreme Court<sup>6</sup> were such as made that body subject to the control of the Daijōkwan or Privy Council through the Department of Justice. On the other hand the Daijōkwan or Privy Council was described as exercising "supreme control over all affairs of State."<sup>7</sup> We are driven to the

1. *Infra* p. 35.

2. " pp. 36-41. The immense powers of the Home Office may be gathered from the fact that Okubo became Naimukyō, as well as from a study of the functions of the Department. Cf. also p. 513.

3. *Infra* pp. 51-53.

4. " pp. 43-51.

5. " p. 42.

6. " p. 462.

7. " p. 52.



conclusion that these changes were undertaken to satisfy a demand for a less despotic form of government, and that while new forms were created the old principle of absolutism was retained.<sup>1</sup>

Another institution which formed a part of the program of changes carried out at this time, was the Assembly of Local Governors<sup>2</sup> (Chihokwan-kwaigi), a body composed of the chief local government officials and empowered to deliberate in the name of the nation upon matters of State. The documents, however, leave us in no doubt as to the character of this body. That it pleased the Government to regard the members of the local bureaucracy as the representatives of the people, and even to put such a statement into the mouth of the Emperor,<sup>3</sup> is neither here nor there, for the fact remained that the people could not be so represented, except by an altogether arbitrary interpretation of that term. Moreover the powers<sup>4</sup> conferred upon the Chihokwan-kwaigi were of the frailest description. Its deliberations concerned only such subjects as were referred to it by the Government, and even in such cases the authorities were under no compulsion to accept the advice of the Assembly. Private members might introduce bills which, if passed, could be vetoed by the Emperor, and government bills might be withdrawn at any time if the discussion proved hostile. The Assembly had neither the power to choose its own President, nor to draw up rules of procedure. As a fulfilment of the Emperor's Oath this Assembly was

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1. That no change was made in the principle of absolutism is not only to be seen from the documents, but that view is confirmed by the action of Iwakura in 1876 in resigning from the Government, as well as by the statements of Count Ito uttered long afterwards in a speech at Ōsaka, *infra* pp. 618-19.

2. *Infra* pp. 505-29, and *supra* pp. lxi-lxii.

3. *Infra* p. 506. "I have therefore issued this constitution of a deliberative assembly providing for the convening of the chief officials of the local jurisdictions and for their meeting and deliberating as the representatives of the people."

4. *Infra* pp. 506-12, and 521-29.

obviously insufficient, and to speak of it as the establishment of representative institutions was to grossly misrepresent the facts.

The Chihokwan-kwaigi met on various occasions, in 1875, 1878, 1880, and 1881, but always in camera. At the first meeting, which was opened on June 20 and lasted twenty-seven days, five subjects relating to such purely local matters as roads, bridges and embankments were discussed. There were about seventy persons present, including not only the officials, but some members<sup>1</sup> who were elected to represent the interests of the public. The Government made the most of the meeting, for it was ceremoniously opened<sup>2</sup> by the Emperor, amidst great public rejoicings. The enthusiasm of the people upon the occasion was considerably dampened when it was announced that the Press would be excluded,<sup>3</sup> and in lieu of daily

1. Referring to the former, the *Hechi Shimbun* said that they exhibited neither force nor ability, while the representatives of the people were in nearly all cases men of judgment and good sense, and it urged the necessity of granting their full rights to the people. *J.W.M.*, 1875, July 3, p. 565.

2. For an account of the ceremony see the *J.W.M.*, 1875, June 26, p. 548. The Imperial speech and the rejoinder as well as the reply of the Assembly are printed on pp. 520-21 of the Documents.

3. Commenting on this decision of the Government's, the *Nichi Nichi Shimbun* of the 22nd June, 1875, made the following remarks:—"After mature reflection, we believe that the only reason why the newspapers have been excluded from the debates is simply that it wished to screen inexperience. This is in others words nothing more than the fear of public discussion. Owing to the anxiety of the high officers of State to maintain the tranquillity of the minds of the people, the present assembly of local authorities is radically different from the elective assemblies of Europe and America. It is an official meeting of a special character, and it by no means follows, when they have decided for or against a measure, that their conclusion will be carried into practice. Besides, the members have had no experience and will probably fail to observe the order of the debates. The Government probably thought that if the reporters were allowed to note everything down freely, it might be feared that the members of the assembly would perhaps incur the ridicule of the country or bring upon themselves the dissatisfaction of the people, and they were therefore at the trouble to form this resolution, viz., that it would be better to exclude the reporters, alleging as a reason the inconvenience of having incorrect reports published and the smallness of the space (in the hall of assembly)." *J.W.M.*, 1875, June 26, p. 552.

reports an official statement of its proceedings would be published from time to time. This decision on the part of the Government robbed the institution of any popularity it might have achieved, for straightway the newspapers began an attack<sup>1</sup> upon the Assembly.

The meeting of 1875 was closed on July 17 with a few words of commendation from the Emperor and a statement which helps us to understand the position occupied by the Assembly.<sup>2</sup>

The next meeting of the Chihokwan-kwaigi occurred in 1878. Although the official constitution of the Assembly issued in 1878 stated in its first Article<sup>3</sup> that a meeting should be held once a year, yet no meetings were held in 1876 or 1877, the absence of the Emperor from Tōkyō in the former year and the Satsuma rebellion in the latter being given as the excuse for not doing so. The meeting was opened on April 11, and

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1. The Editor of the *Choya Shinbun* explained the exclusion of the Press as follows:—"I have, indeed, felt at a loss to account for permission being granted to hold the present Assembly while leave to attend its proceedings is refused to the Press, through whose instrumentality they may be disseminated. But I think I have discovered a reason which is intimately connected with our eastern habits. The language of our Government is very impartial, liberal and open, but its conduct is far from being equally praiseworthy. It avows its desire for civilisation while many of its acts may be styled barbarous." The *Akebono Shinbun*, after the close of the meeting in 1875 denounced the Assembly in the following terms:—"It is probable that it will leave behind it, except for its name and forms, no vestige by which it may be remembered." Even the *Nichi Nichi* remarked, "The Chihokwan-kwaigi was a very important thing which might have been respected and honored by us, but it was in no sense a popular Assembly. The members of it were not representatives of the people, and it had no legislative powers." What some of the local officials thought of the Assembly and the regulations issued in 1874 concerning its constitution and procedure may be seen in two memorials which are printed on pp. 513-19 of the Documents.

2. The address on that occasion was as follows:—"We are glad that your deliberations have been conducted conscientiously. We shall in due course, and after consulting with the Genro-in, consider the recommendations which you have drawn up for Our information and approval and take action thereon. Return now to your respective offices and discharge your duties to the State industriously."

3. *Infra* p. 521.



closed on May 3.<sup>1</sup> The sittings were closed to the Press, and although no notice was given of the subjects to be debated, the chief topic considered was the Government's proposal to establish elective assemblies in the Fu and Ken, the constitution and rules for the conduct of business of which were announced later in the year. Other meetings of this Assembly were held in subsequent years, but no interest was taken in them, mainly because it had come to be generally recognised that no attempt was made to represent public opinion in the Assembly.<sup>2</sup>

It is difficult not to accuse the Government of deliberately deceiving the people by the creation of such institutions as the Genro-in, the Daishin-in and the Chihokwan-kwaigi, for while those bodies could be pointed to as limiting the oligarchic powers of the Daijōkwan, they were so constituted as to be incapable of effecting any such result. The Chihokwan-kwaigi was a particularly flagrant case of violating every rule of honest dealing between the authorities and the public. Not only were the words used in the Imperial Preface to its Constitution most misleading, but every means was employed to perpetuate the popular misconception. The Emperor's attendance at the opening and closing ceremonies of the Assembly, the exclusion of the Press from its sittings, and the suppression of free discussion of its powers and competence prevented the nation from discovering until about four years or so later that the institution

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1. As on the former occasion, there was a great demonstration on the day of the opening; the Emperor attended in person, but merely declared the Assembly open for the transaction of business. Prince Arisugawa read the Emperor's address at the close of the session. It ran, "I am much gratified that the members have applied themselves so assiduously to the matters placed before them, and conducted the proceedings with such honesty and fairness."

2. The *Asahi Shimbun* expressed the general view with regard to the meeting when it said, "Till the present moment the public has been nursing the idea that the meeting of the Chihokwan-kwaigi was to be the stepping-stone to a great national assembly, but they now begin to see that a national assembly can only be obtained by a union of minds; and the time for such an institution can only arrive when the many difficulties in the way have been swept aside by united popular feeling."

which they had looked up to was quite other than they had been led to regard it. The same is true only in a lesser degree of the Genro-in and the Daishin-in.

All these institutions were the result of the so-called Ōsaka compromise, and it will be remembered that on that occasion at least one man, Itagaki, suspected the Government's intentions, and subsequently withdrew from the ruling body because of its failure to carry out the terms of the compromise. In explanation of that failure it might be pointed out that, except for Itagaki, the Government was composed of men who believed in the bureaucratic principle, and their problem was to conduct the affairs of State upon lines suited to their tastes and at the same time to placate those in and out of the Government who demanded an increase of popular participation in the administration. It is little to be wondered at, therefore, that the devices resorted to by the Government were not always what they seemed, or that men with opposite points of view should regard them differently. To the men who composed the Government, the one essential principle, never to be departed from, was the exclusion of the people from any share in the determination of the policy of the State, and when pressed upon all sides for a national assembly elected by the people and exercising independent legislative powers, it was perhaps only natural that they should have been willing to gain time by pretending to give what in reality they withheld.

To further explain the general situation as between the bureaucratic and democratic parties in the State, it might be useful to point out that the system of government adopted in 1868 could not admit the infusion of a popular element without destroying its whole fabric. No government can embody such conflicting systems at one and the same time as oligarchy and democracy; the two principles are incompatible. The Daijōkwan throughout the whole course of its existence from 1868 till 1885 was an autocratic body, and after it was replaced by the Naikaku (Cabinet), its absolutist characteristics were passed on to the

new institution. Thus whatever new bodies were created, the Daijōkwan remained unaffected in principle and authority. Likewise, the administration was carried out by the respective Departments of State, and the departmental Ministers, whether members of the Daijōkwan or not, regarded themselves and their functions as independent of popular control. Such was the theory upon which the government was constituted, and under the circumstances it is easy to understand why the authorities found it impossible to share the power with the people. The justification of their actions is, however, quite another matter.

In 1885<sup>1</sup> the next radical change in the system of government was made. The Daijōkwan was replaced<sup>2</sup> by the Nai-

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1. During the interval a number of changes were made in the details of the organisation and in the personnel of the Government. Thus in 1880 the Privy Council was divided into Six Sections, each of which exercised supervision over one or more of the administrative Departments. These Sections were composed of the following men:—(1) Legislative Section, Ōki and Yamada; (2) Section of Finance, Ōkuma, Terashima and Ito; (3) Section of War, Yamagata, Saigō and Kawamura; (4) Section of Home Affairs, Ito, Kuroda and Saigō; (5) Section of Justice, Terashima and Yamada; (6) Section of Foreign Affairs, Ōkuma, Kawamura and Inouye. For the functions of these Sections, see pp. 53-55, and for a general statement foot note 2 on p. 56.

The Daijōkwan consisted of the following men:—Sanjō, First Minister; Arisugawa, Second Minister; Iwakura, Third Minister; Ōki, Ōkuma, Ito, Terashima, Inouye, Generals Yamagata, Kuroda, Saigō, Yamada, and Admiral Kawamura, members of the Privy Council. Among the other high officials were:—Ōki, President of the Senate; Sasaki, Vice-President of the Senate; Inouye, Minister of Foreign Affairs; Kuroda, Chief of the Colonisation Commission; Matsukata, Minister of the Interior; Yamagata, Chief of Staff; Sano, Minister of Finance; Enomoto, Minister of the Navy; Ōyama, Minister of War; Kuwano, Minister of Education; Yamao, Minister of Public Works, and Tanaka, Minister of Justice.

In 1881 the Six Sections were abolished and in their place was set up a Bureau called the Sanji-in, see pp. 82-86.

2. The reasons for the abolition of the Daijōkwan may be gathered from the Imperial Decree on pp. 96-97. Cf. the foot note on p. 108, and the letter of resignation of the Daijōdaijin, pp. 90-93.



kaku<sup>1</sup> (Cabinet), and the functions hitherto exercised by the Council of State or Privy Council were transferred to the new body, which was composed of the various Ministers of State and presided over by the Minister President of State. The offices of Udaijin, Sadaiji, Sangi and the Sanji-in were all abolished. Of the former institutions only the Genro-in and Daishin-in remained, for they served the useful purpose of giving an oligarchic government the appearance of harbouring a popular element. In 1888 the Sunitsu-in<sup>2</sup> (Privy Council) was added to the machinery of the Central Government, and in 1889 the Imperial Diet was set up to assist in the process of legislation, while in the following year the Courts of Law were organised. By these various changes the Central Government was put upon the basis upon which it has continued to rest until the present day. Under the supreme direction of the Emperor the government is now-a-days carried on by means of a Privy Council, a Cabinet composed of the Ministers of State, a Diet<sup>3</sup> consisting of two Houses, one of them entirely elected<sup>4</sup> by the people, and the Courts of Law<sup>5</sup>. Outside of these legally constituted bodies there is a powerful and extra-legal committee, the members being popularly known as the Genrō or Elder Statesmen, which upon occasions<sup>6</sup> comes to the assistance of the Emperor. The

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1. For the Naikaku see the documents on pp. 94-95 and 96-97. In addition to the change of organisation which was involved by the creation of the Naikaku, a determined effort was made in 1885 to reform the methods of transacting the business of State. In trying to accomplish this end the Minister President, Count Ito, issued a set of Instructions to the Ministers (pp. 99-108), and subsequently from the same source a long document appeared concerning the Organisation of the Respective Departments (pp. 109-127). The members of the original Naikaku were:—Ito, Inouye, Yamagata, Matsukata, Ōyama, Saigō, Yamada, Mori, Tanji, and Konomoto.

2. *Infra* pp. 127-33 for the functions of the Privy Council, and the foot note on p. 133 for the names of the original members; the subsequent changes in the membership of this body are given in Uyehara, *op. cit.*, Appendix.

3. *Infra* pp. 153-70.

4. *Infra* pp. 170-211.

5. *Infra* pp. 625-59.

6. Mainly when it is necessary for the Emperor to appoint a new Minister President of State.

Constitution<sup>1</sup> of 1889, in addition to certain claims which it made regarding the Emperor, guaranteed that the various institutions which compose the government should be operated in accordance with the provisions of law. Its importance lies not so much in any of its specific provisions as in the fact that for the first time in the history of the nation<sup>2</sup> an attempt was made to define the channels through which the Imperial prerogative should be exercised. It places no limitations<sup>3</sup> upon the absolute powers of the Emperor, but promises that these powers shall be exercised in accordance with the terms of the Constitution.

The only new institution established by the laws which were promulgated on the same day as the Constitution was the Imperial Diet, consisting of Upper and Lower Houses. The Upper House was to be composed of the Princes of the Blood, hereditary and representative peers, Imperial nominees, and representatives of the highest tax-payers; the Lower House of the representatives of the people chosen in accordance with the terms of the Law of Election. The functions of the Diet were enumerated in the Constitution<sup>4</sup>, and its procedure and powers stated *in extenso* in the Law of the Houses. Independent powers of legislation were not granted to this elective body, and could not have been, considering the theory of monarchy<sup>5</sup> which was set forth in the Constitution. It would be easy, therefore, to criticise the Imperial Diet as lacking the powers of an independent legislature, but such criticism would be beside the point, for the authorities did not intend to

1. *Infra* pp. 136-44. For an account of the drafting of the Constitution see Uyehara, *op. cit.*, pp. 109-20, and generally the whole of Part II of that valuable book.

2. *Infra* p. 578. 3. *Infra* p. 618. 4. *Infra* pp. 153-56.

5. *Infra* p. 139, Articles XXXVII and XXXVIII.

6. In the Preamble to the Constitution, the second paragraph reads:—"The rights of sovereignty of the State, We have inherited from Our Ancestors, and We shall bequeath them to Our descendants, Neither We nor they shall in future fail to wield them in accordance with the provisions of the Constitution hereby granted."

set up a democratic government, or any system remotely resembling it. In so far as it was possible to prevent the representatives of the people from exercising any substantive powers in legislation or administration the appropriate provisions were made; thus the session of the Diet was limited to three months<sup>1</sup>, and the power reserved to the Throne to suspend<sup>2</sup> its sittings at any time during that period for intervals not exceeding fifteen days.

Criticism, if there be any, has to be directed against the framers of the Constitution not so much for excluding as far as possible provisions for popular government, as for not excluding them entirely, which would have been the only consistent course to have followed, considering the theory of monarchy they chose to adopt. A Government operating under an Emperor concentrating in himself all the sovereign powers must be despotic and bureaucratic. An absolute monarch and an assembly elected by the people are irreconcilable political institutions, and cannot co-exist in a State for exactly the same reason that a democracy cannot be ruled by a permanent bureaucracy, and the folly of embodying mutually hostile elements in the system of government has been amply demonstrated by the history of the Diet since its first convocation in 1890. It was natural that the Lower House should have sought to extend its powers and attain its ideal by getting control of the Government, and on the other hand it was equally to be expected that the Upper House and the Government should have opposed the consummation of any such project. Fighting thus at cross purposes, there has been a truce only when foreign wars have intervened to consolidate the energies of the nation and turn them away from domestic

1. *Infra* p. 139, Article XLII.

2. *Infra* p. 161, Article XXXIII. The length of the actual session of the Diet is further reduced by formally opening it about December 25 and immediately adjourning until January 20; also during the session only every second day is occupied with regular public sittings, the alternate days being given up to committee meetings.



politics, or when the distribution of money among the members of the Diet has sufficed to buy their support or silence.

While such criticism may be fairly directed against the framers of the Constitution, much may be said in explanation of their lack of foresight and judgment. The situation in which they found themselves after 1881 was difficult, for on the one side the native theory of monarchy was inflexible and could be neither discarded nor modified, and, on the other, the demand for popular government was insistent. Without doubt the members of the ruling oligarchy would have preferred to continue under the system which had been in operation since 1875, for in that organisation they had confidence. They had come to regard their right to rule as a legitimate consequence of and reward for the services they had rendered to the State at the time of the Restoration. But opposed to their claims was the demand for representative institutions. The advocates of the right of the people to control the policy of the Government probably did not speak for more than a small fraction of the nation, but what they lacked in numbers they made up for by enlisting the populace and Press of the capital on their side. Under duress, therefore, the Government in 1881 gave a solemn promise that in the year 1890 an assembly elected by the people would be convoked, and that promise had to be fulfilled, for the people kept on insisting on their rights. To solve these difficulties the harrassed rulers accepted what seemed the easiest course, and introduced into a despotic and oligarchic system of government an entirely foreign element in the shape of an elective assembly, and, as it were, to obviate the necessity of granting any further concessions in the future, they declared that the Constitution should be "an immutable law."<sup>1</sup>

A Constitution which is obviously a compromise measure, or a system of government which combines the three hostile elements of an absolute monarch, a bureaucratic oligarchy and

1. *Infra* p. 133.

a representative legislature, is not likely to be permanently satisfactory to a nation. The case is not materially changed even though, as in Japan, the system be represented as a revelation from the Gods through the medium of a theocratic monarch. Further, constitutions are of necessity comparatively ephemeral, for political theories and institutions must conform, more or less closely, to the changing conditions and demands of society. The claim made for the Japanese Constitution that it is "an immutable law" may therefore be dismissed as opposed to common sense and experience.

Looking back over some twenty-five years of the history of Japan under the system of government established in 1889, nothing is more apparent than its failure to work smoothly. The absolute necessity for some fundamental change became apparent in 1898, and since that year, except for a period in which the circumstances were unusual,—immediately before and during the Russo-Japanese war,—political progress has been at a stand-still. The strength of the oligarchy on the one side and that of the Diet on the other had become so evenly matched that a deadlock ensued. In less than ten years after the erection of the Diet the organisation for government had broken down, not so much because the representatives of the people had come into control as that the Government feared the consequences of exercising the despotic powers which it undoubtedly possessed under the Constitution. From 1900 till the present the oligarchy has tried to rule with the assistance of some one or other of the political parties, but even that device no longer avails to keep the machine running, and there seems no other feasible course open to the rulers than a frank admission of their errors of 1889, followed by a revision of the Constitution with the object of establishing a responsible ministry and popular government.

## V.

## THE RECONSTRUCTION: LOCAL GOVERNMENT.

When the Han were abolished in 1871, and the Ken created, the foundations were laid for the modern system of local government. Each of the Han was converted into a Ken, but as the Han varied greatly in size, most of them being too small to form satisfactory administrative units, it was necessary to combine them into groups. This process of rearranging the areas went on for several years. Thus the original 302 Ken were reduced <sup>1</sup> to 72 in January 1872, at the same time being subdivided into gun (divisions), and to 45 in 1878; by 1890 they had been reduced to 43, at which figure they have stood ever since. The Fu, of which there had been 9 in 1868, were reduced <sup>2</sup> to 3 in 1869.

Another important feature of the work of establishing the system of local government was the creation of the official organisation, and the definition of the duties and powers of the officials of the Fu and Ken. The earliest notifications concerned merely the names,<sup>3</sup> classes<sup>4</sup> and ranks<sup>5</sup> of the local bureaucracy, but beginning with 1872 ordinances were issued dealing with and defining the powers <sup>6</sup> of the officials and fixing their terms of service<sup>7</sup> and salaries.<sup>8</sup>

The difficulties which had to be overcome in carrying through this early experimental work were very great, for not only was the sectional spirit of the clans strong, but the number of the office-seekers was legion, while their capacity for administration was usually in inverse ratio to their importunity. Thus it happened that even the grouping of the clans into Ken was often attended with much friction owing to feuds and bad

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1. *Infra* pp. 251-54.

2. " p. 28.

3. " p. 250.

4. " p. 250.

5. *Infra* p. 254.

6. " pp. 254-55, 257, 259-64.

7. " pp. 268-69.

8. " pp. 269-70.



feeling between the people of neighbouring localities,<sup>1</sup> while in clans like Satsuma the officials of the local government were regarded as strangers and looked upon with suspicion. But the greatest problems arose out of the defects of the materials with which the official organisation had to be built up. The civil service was recruited from the samurai class, and the average samurai was by training and traditions unfitted to deal with the common people. He was arrogant and impatient, difficult to control, and prone to depart from the rules and regulations laid down for his guidance in the conduct of official business. As the new regime had abolished his former occupation, the samurai looked to the Government for office as his right. In the cases of the retainers of the four western clans an attempt was made by the Government to give all applicants positions, and that action led to a charge of favoritism, which, in so far as it was true, constituted the basis of a real grievance. That favoritism was shown to the members of these four clans there can be no doubt, but it was only natural that there should have been. It was not till 1885<sup>2</sup> that the officials already in office were deprived of the privilege of appointing their friends and a system of competitive civil service examinations was substituted.

The year 1878 marked the beginning of a new stage<sup>3</sup> as far as local government was concerned, for in that year a variety of important laws were issued, providing for the systematic establishment of the minor areas<sup>4</sup>, the gun, ku, cho and son, and for their official organisation, for the erection of an elective assembly<sup>5</sup> in each Fu and Ken, with powers to deliberate and

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1. Even at the present time in the remoter parts of the country traces of hostility between the old clans are still existent.

2. It was only after 1885 that a system of examinations for entrance into the service of the Government was established. As to the evils of the system of making appointments which existed prior to that year, see the remarks of Count Ito on pp. 102-03.

3. *Supra* p. lxxvi.

4. *Infra* pp. 270-71.

5. " pp. 272-76.

pass upon the annual budget, for the popular election<sup>1</sup> of the Headmen of the cho and son, and for the determination of the powers and duties of the executive officials<sup>2</sup> of all the local administrations. In 1880 elective assemblies<sup>3</sup> were created for cities, towns and villages, and the law governing the Fu and Ken assemblies<sup>4</sup> was revised. In the following year the Fu and Ken assemblies were divided into urban and rural sections.<sup>5</sup> A variety of changes<sup>6</sup> were introduced into the system thus created during the following years, but no new principles were adopted.

The outstanding feature of this period was the creation of elective assemblies in the various local areas, but it must not be supposed that the assemblies had independent powers of legislation even within their limited jurisdictions. Not only were their deliberations restricted to the budget<sup>7</sup>, but their resolutions thereon could not be carried into effect until after the Governor of the Fu or Ken had given his approval<sup>8</sup>. Although the competence of the Fu and Ken assemblies was somewhat extended in 1880, they remained strictly under the control<sup>9</sup> of the Governor acting in the name of the Home Minister. The case was similar<sup>10</sup> in the assemblies in the smaller areas, for even in matters of purely local concern the power to decide and settle by means of discussion was either withheld or could be exercised only with the consent of the superior authorities.

As to the method of election<sup>11</sup> to the Fu and Ken assemblies, it was provided that the gun and ku should constitute the electoral districts, each one returning five or a lesser number of members. Those eligible for election consisted of male Japanese subjects of twenty-five years of age or over, who had resided in

1. *Infra* p. 287.

2. " pp. 276-85.

3. " pp. 296-97.

4. " pp. 289-95, 297-98.

5. " pp. 303-05.

6. " pp. 305-24.

7. *Infra* p. 272, Article I.

8. " p. 272, Article V.

9. " pp. 289-90, Articles I-IX.

10. " pp. 296-97.

11. " pp. 273-75.

the district for three years or more, and during that time had paid land tax to the amount of ten *yen* or more annually. Lunatics and idiots, persons sentenced to imprisonment at hard labor for one year or more, bankrupts who had not discharged their liabilities, and officials and teachers were disqualified. The electorate was composed of all male Japanese subjects of twenty-five<sup>1</sup> years of age or over, who had resided in the district for three years or more and had paid land tax to the amount of five *yen* or more annually. Those disqualified were the same as in the case of the citizens eligible for election, except that officials and teachers could vote if they possessed the other qualifications. Voting was done by means of ballots, and secretly, except for the provision that each ballot was to have inscribed on it the name of the voter as well as those of the candidates. The system of *scrutin de liste* was adopted. The members of the assembly thus elected continued in office for a term of four years, one half retiring every two years.

It is to be remarked also that no provision was made for the election of any of the executive officials of the Fu and Ken, a rule which has not been departed from to this day, though in 1888 it was enacted that the Headmen of towns and villages should be elected by the assemblies<sup>2</sup> of the various areas, also that the three-class system of voting formed no part of the regulations governing elections of members to the local assemblies until 1888, and even then the system was introduced only in the cities, towns and villages, and not in the Fu and Ken.

In 1888 what amounted to a Municipal Code in two Parts, the first relating to cities<sup>3</sup>, the second to towns and villages<sup>4</sup>, was

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1. In the revision of 1880 the age limit was reduced to twenty years, *infra* p. 292.

2. The Municipal Code provided that the Mayor (*Shichō*) should be appointed by the Emperor from among three candidates nominated by the City Assembly, *infra* p. 345, Article I.

3. *Infra* pp. 331-366.

4. *Infra* pp. 367-404.



issued, and in the following year laws concerning the Fu<sup>1</sup> and Ken<sup>2</sup> organisation were promulgated. By the terms of these three laws the whole problem of local government was disposed of for the time being by the establishment of a system which, with minor changes, is still in operation. Without attempting to digest these laws a brief description of the system, and some comments upon its actual working, may assist toward a better understanding of it.

For purposes of local administration Japan proper, excluding Hokkaido, Karafuto, Chosen and Taiwan, is divided into 43 Prefectures (Ken) and 3 Fu; the Prefectures are subdivided into Divisions (Gun) and Cities (Shi); the Divisions are further subdivided into towns (cho) and villages (son). The Fu and larger cities are subdivided into wards (ku). This subdivision of the country is about as simple as it could be; there is no overlapping of areas or authorities. The organs of government within the areas are likewise characterised by almost complete uniformity. In the Ken, Fu, shi, gun, cho and son there is an executive organ embodied in the person of a single official, called, in the first two, the Governor (Chiji), in the third, the Mayor (Shichō), and in the last three, the Headman (Gun-chō, Cho-chō, and Son-chō); there is a consultative organ, the Council, in all the areas except the last two mentioned above; and a so-called legislative organ, the assembly, in all the areas.

For convenience of statement the local government units may be divided into three groups; first, urban, including the shi, cho and son; second, rural, including the Ken and gun, third, ruro-urban, the Fu. This classification of the areas is not entirely satisfactory, because many of the towns and all of the villages are not strictly urban, and moreover the Fu defy classification. Thus Tōkyō-fu consists not only of Tōkyō city and its suburbs, but of 22 towns and 156 villages contiguous to the

1. *Infra* pp. 404-05. The purpose of this law was to provide for a *régime exceptionnel* in Tōkyō especially.

2. *Infra* pp. 407-19.

city, and hundreds of small islands in all parts of the empire, one of which lies at a distance of a thousand miles from Tōkyō. Moreover the *Fu* and the *Fu*-city organs of government do not correspond exactly to those of the prefecture and the ordinary city.

The organs of government of the areas in the first group, the city, town and village, with the exception already mentioned, are identical, and consist of a Mayor or Headman, a council and an assembly. The Mayor of a city is appointed, for a term of six years, by the Emperor, upon the advice of the Home Minister, from among three candidates nominated by the city assembly. The Mayor is in all cases a professional official, who gives his whole time to his office and receives a salary, which varies in amount according to the importance of the city. The Headman of a town or village is elected by the local assembly for a term of four years, but his election to be valid must be confirmed by the Governor of the prefecture. The Headman may or may not be a professional official, and may or may not receive a salary. His status in these respects depends upon the importance of the town or village.

The city council consists of the Mayor and his deputy or deputies and six non-professional members. The deputy Mayors are of course members of the bureaucracy, and are elected by the assembly for terms of six years, but their election must be confirmed by the Governor of the prefecture. They devote their whole time to public business and are paid a salary. The six non-professional members of the council are selected by the city assembly for terms of six years from among the citizens over thirty years of age. Their service is compulsory, amateur and unpaid.

The city assembly is elected by popular vote in wards for a term of six years, one half of the members retiring every three years. The electorate consists of all male citizens over twenty-five years of age, who have resided in the city two years or more and have paid at least two *yen* a year direct national taxes.

Lunatics, criminals, etc., are disqualified. Any citizen is eligible for the assembly provided he is on the voters' list. Officials of the prefecture, division or city, judges, policemen, public-procurators, priests and elementary school teachers are disqualified. While elections for the assembly are direct and by secret ballot, they are conducted according to the Prussian three-class system, which apportions the voting power among the electorate according to the amount of taxes paid by the individual, and thus throws the control of the assembly into the hands of the larger tax-payers. The town and village assembly is elected by the citizens of the area for a term of four years. The same qualifications and disqualifications, as in the cities, both for the electorate and the candidates for election, are to be found in these areas. Elections are conducted upon a two-class system, based also upon the principle that the payment of taxes determines the voting power of the electors. The city assemblies vary in size from thirty to sixty members, those of towns and villages from eight to thirty according to population.

In the second group, consisting of prefecture and division, while the organs of government are identical, the methods of constituting them differ. The Governor of the prefecture is appointed by the Emperor, upon the advice of the Home Minister, and holds office during pleasure. He is responsible to the Home Minister in all ordinary matters, but in finance to the Finance Minister. He is a professional official, devotes all his time to public business and is paid a salary. The council is composed of the Governor, two high officials of the Central Government and six non-professional members. The non-professional members are elected by the prefectural assembly, from among the citizens of the area over thirty years of age. Their service is compulsory, amateur, and unpaid. The assembly of the prefecture is elected directly and by secret ballot for a term of four years. The franchise is exercised by the district electorate. Candidates must have paid direct national



taxes amounting to at least ten *yen* a year. All citizens on the voters' lists of the districts are eligible for election to the prefectural assembly. Members of the National Diet are disqualified.

The Headman of the division is appointed by the Governor of the prefecture and is a professional official. The division council is composed of the Headman and five non-professional members, elected for terms of four years by the assembly from among the citizens over thirty years of age. The conditions of their service are the same as in the case of the non-professional members of the prefectural council. The division assembly is elected directly by the electorate of the towns and villages. Candidates for the assembly must have paid at least five *yen* a year in direct national tax and electors to qualify must have paid at least three *yen* a year. The division contractors are ineligible for election to the assembly.

To summarise, the executive organ in all the more important local areas is appointed to office, and in all the areas is considered an official of the Central Government; the consultative organ is composed of professional and lay members, the former appointed, the latter indirectly elected; the legislative organ is elected popularly, directly, and by secret ballot in all the areas; the franchise is limited by age, residence and the payment of national taxes; in the urban units the voting power of the electorate is rendered unequal by grouping electors into classes according to their tax-paying ability.

Into this framework of local government we proceed to introduce the powers which make it work. Those powers are either executive or legislative, and are reposed respectively in the Governors, Mayors or Headmen, and the assemblies. It must not be thought, however, that any of these authorities is able to exercise its powers freely, for control by the Central Government is so minutely and completely imposed, that even in matters of purely local interest, it is impossible to say with how much independence of action the local government is being conducted.

All of the local authorities are given a wide grant of powers by general laws to do anything within their areas which they think fit, provided that their actions do not conflict with any State law and are not contrary to the public good, and also provided that the consent of the higher authorities has been obtained for their projects. This method of bestowing powers upon local authorities is customary in continental European countries, and it undoubtedly has its advantages when compared with the Anglo-Saxon habit of bestowing specific powers upon local governments. It precludes the necessity of frequent reference to parliament in Great Britain or to the State legislatures in the United States, for permission to undertake certain projects. A great deal of time and money is wasted in Great Britain upon what is called Private Bill Legislation, and the bulk of that legislation has for its object the securing for local government authorities the necessary powers, to name only one class of enterprises, to operate public utility services. But, on the other hand, the method in vogue in Japan has its disadvantages, for it gives the bureaucracy almost complete power, not only to prevent the local government authorities from doing what the people wish, but to compel the carrying out of undertakings in which the local people are not interested or to which they are opposed. This contrast between the Anglo-Saxon and the Japanese methods of bestowing powers upon local authorities, however, is inherent in and a part of the much wider difference between democratic and bureaucratic government.

The powers of the local executive authorities are very extensive. The Governor of a prefecture or a *Fu*, the Mayor of a city, the Headman of a division, town or village is at one and the same time the representative in his area of the Central Government and the head of the local administration. In his former capacity he is commissioned with the execution of all State laws within his area, he publishes and enforces all orders of the Home Minister, and controls the financial affairs of his



area through his budgetary powers. The Governor of the prefecture, moreover, controls the local police. In his latter capacity he executes all the ordinances of the assembly, or delays their execution pending the consent of the higher authorities, or declares the ordinances void on the ground that they are *ultra vires* or opposed to the public welfare. In all urgent affairs the executive authority of the area may act upon his own initiative, subject, of course, to ratification later by the local assembly or the higher officials. In all matters, legal or ceremonial, the local areas are represented by their executive officials. Voters' lists, *état civil*, primary schools, charity, and a host of other matters are under the control of the executive officials.

From this recital it is evident that the Governors of the prefectures and Fu, the Mayors of cities, and, in a lesser degree, the Headmen of the smaller units, are important and busy officials. The difficulties of their positions arise not only from the multitude of their duties, but from the two-fold functions which they exercise. It is necessary on the one hand to obey the orders of their superiors and on the other to live in harmony with the local assemblies and the local inhabitants. The opposition of the local assemblies is, however, not so difficult to overcome as that of the local people, for the power of finance is in the hands of the Governor or Mayor, and as a last resort it is possible to get the local assembly dissolved. In the larger areas disputes are usually compromised, or a majority of the members of the assembly are bought up, or if extreme action is taken and the assembly dissolved, the general public looks on with more or less indifference, for the assembly seldom has the confidence of the people. On the other hand, popular demonstrations of hostility to projects of the Central Government, to be carried out usually at local expense, are always heeded, and the objectionable measures withdrawn. But concerted action of such a kind is seldom possible, except in the small rural communities. The old habit of mind, so characteristic of the feudal times, when the populace had mainly to obey, is still too strong



to permit oft requent and lasting opposition to the wishes of the constituted authorities.

The local bureaucracy also derives a certain amount of protection from the Administrative Courts in which all civil suits against them must be tried : and still further support is drawn from the *esprit de corps* which characterises the whole governing class. For these and other reasons the difficulties of the local administrative heads are kept from becoming too great for the average man to cope with. Apart from the possibility of violence exerted against their persons by some exasperated opponent of their measures, the executive officials have little to fear while in office, and nothing afterwards.

The powers of the legislative authority, the local assemblies, are of very limited extent, for the system in which the assemblies have to work was so constructed as to prevent their controlling the policy of their respective areas or sharing in the local administration. The assembly, for its own area, issues ordinances, undertakes enterprises in the public name, votes the budget (which includes not only the appropriation of public money but the levying of taxes), incurs obligations, disposes of public property and elects its own officers and some of the local officials. It initiates no measures whatsoever, and is therefore a very much handicapped legislative organ. The utmost it can do is to refuse consent to measures presented to it ; but even this negative power it cannot freely exercise in all those vital matters which concern finance, for refusal to pass the budget is met by independent action on the part of the executive authority. So much may be said of assemblies in general.

But it is necessary to say something further about the *Fu* and the ordinary city assemblies. If the assembly in general must be said to be insignificant, the city assembly has a name for dishonesty as well. Considering the system of which it forms a part, the method of its election, and the general lack of interest in city government, it is not difficult to understand the low esteem in which it is generally held. The evil reputation

of the assemblies in the past, and the hard names flung at their members, are enough to make any citizen, who values his good name above prospective money gains, hesitate before becoming a candidate. But even if candidates of satisfactory character could be obtained it is no easy matter to get them elected. There is no legal machinery for bringing the names of candidates before the public; no one is publicly nominated; no public contest can take place. Canvassing for votes must be done privately, and as there is no limit to the number of candidates, hired canvassers are so numerous as to become a great public nuisance, against which bitter complaint is frequently heard. But even if the difficulty caused by the lack of machinery for the nomination of good men, which is taken advantage of by numerous local parties, could be overcome, there still would remain the much graver problem which is created by the three-class system of voting. That system must be held responsible for the greater part of the almost universal apathy of the electorate, the voting power being so unevenly divided that voters do not think it worth while to exercise their franchise. Especially is this the case with the newly-risen middle class, composed of the commercial and professional people, the great majority of whom are qualified to vote in the third class. Thus in the election for the assembly held in Tōkyō in 1905, there were 42,100 names on the voters' list, but only 7,915 votes were actually polled. In the third class there were 37,005 names, and 5,816 votes, in the second 4,465 names and 1,825 votes, and in the first 630 names and 274 votes; or to put these figures into percentages, in the third class 15.7 per cent., in the second 39.5 per cent., in the first 43.6 per cent., or taking the average of all classes, 18.8 per cent. of the electorate voted.

Not only has it been impossible in the past to get more than a modicum of the electorate to vote at an election for a city assembly, but the system upon which elections are conducted makes it almost impossible to bring about any improve-



ment in the ability of the members of the assembly. The voting power is so unequal that even if the vast majority of the electorate, say 80 per cent., was to be stirred up by a popular agitation in favour of honest government, it would still be possible for two-thirds of the members of the assembly to be elected by the remaining 20 per cent. of the voters, who conceivably might not be affected by the popular movement. In fact in Tōkyō in 1905 one-third of the members of the Assembly were elected by a little more than one-half of one per cent. of the qualified voters. But further still, even if the popular agitation for reform should become so universal as to affect the voters of all the classes, all that could possibly be accomplished would be the election to the assembly of honest and efficient members. The assembly must continue to be insignificant as long as its powers remain what they are, and as long as it remains under the control of the Mayor, the representative of the Central Government.

It is difficult to say whether the method of its election or its limited powers does more to make the Japanese city assembly a despised popular organ of local government. A wise reformer would probably begin the rehabilitation of the city assembly by bestowing upon it complete control of local policy, but such powers could not be exercised without destroying the local bureaucracy. Apart altogether from the reformer's point of view, it is certainly obvious that in creating the city assembly, the Central Government placed it in a system and determined the method of its election in such a way as to bring the popular organ of government into disrepute, and thus cast suspicion upon representative institutions in general.

It is not, however, till we have considered the power of control over the local authorities exercised by the Central Government that we finally understand Japanese local institutions. The main-spring of all local action is not the local assembly nor the local executive officials, but the Home Minister. He is the original source of power, and all action or inaction in local officialdom



is inspired from the Home Office. Administration is completely centralised, and while legislative powers are supposed to be shared with the local assemblies, the lion's share has been retained by the Central Government, and is sufficient to ensure to the Home Office the control of all important items of the policy in all the important local areas. As illustrations of the power of the Home Office over local policy, the municipalisation of the Tōkyō tramways and the amalgamation of the gas companies might be cited from the history of 1911. In both these cases the initiative came from the Central Government, not from the city assembly.

But central control does not depend entirely upon the local executive officials, for individual members of the bureaucracy might fail through ignorance, carelessness or even veniality. A variety of devices exists for the more thorough exercise of that control, such as periodic inspection of the local administration by high officials, periodic reports from the local authorities to the Home Minister, the necessity of obtaining the sanction of the Home Office for all special undertakings, suspension of local ordinances, dissolution of a recalcitrant local assembly, and finally the removal of certain kinds of business from the competence of the local authorities. Such are the powers given by law to the Central Government, and in addition to these are many extra-legal, non-legal and even illegal powers which can be resorted to in cases of necessity, the most commonly exercised of which is corruption, not so much at present by the vulgar giving of money bribes, as by a liberal distribution of industrial franchises, or the generous expenditure of money upon public works in the area to be placated.

Just as the Emperor is the apex of the national government, ruling by right of descent from the Imperial Ancestors, so his deputy the Home Minister is the apex of the local government; through him and his subordinates, the local bureaucracy, the rights and powers of the sacred Throne are maintained in all parts of the empire. Upon the claim of

divine origin for the Imperial House, the Japanese Government, both central and local, rests, and by that cult it must be explained.





# GOVERNMENT DOCUMENTS, FIRST HALF OF THE MEIJI ERA.

## I.—THE RESTORATION.<sup>1</sup>

1867-1871.

### 1.—THE RESIGNATION OF THE SHŪGUN.<sup>2</sup>

#### I. THE LETTER OF RESIGNATION.

A retrospect of the various changes through which the empire has passed shows us that after the decadence of the monarchical authority, the power passed into the hands of the Ministers of State; and that, owing to the civil wars of the periods Hōgen (1156-59) and Heiji (1159-60), the administrative power fell into the hands of the military class. My ancestor received more confidence and favor from the Court than any of his predecessors, and his descendents have succeeded him for more than two hundred years. Though I fill the same office, almost all the acts of the administration are far from perfect, and I confess it with shame that the present unsatisfactory condition

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1. The movement known to foreigners as the Restoration was called by its promoters *Fukko*, "the return to antiquity," but among the more radical reformers the term used was *Isshin*, "the renovation," and it was this term that finally came into general use.

2. Tokugawa Keiki, also called Hitotsubashi. At about the same time the Yedo authorities issued to the representatives of the foreign powers a document stating the reasons for the Shōgun's resignation. This document is given in Gubbins, *Progress of Japan*, pp. 306-11.

of affairs is due to my short-comings and incompetence. Now that foreign intercourse becomes daily more extensive, unless the government is directed from one central authority, the foundations of the state will fall to pieces. If, however, the old order of things be changed, and the administrative authority be restored to the Imperial Court, and if national deliberations be conducted on an extensive scale, and the Imperial decision be secured, and if the empire be supported by the efforts of the whole people, then the empire will be able to maintain its rank and dignity among the nations of the earth. Although I have allowed all the feudal lords to state their views without reserve, yet it is, I believe, my highest duty to realise this ideal by giving up entirely my rule over this land.

*H-Z.*, 1867-8, I, 1.

November 3, 1867.

## 2. THE LETTER OF RESIGNATION ACCEPTED.

Tokugawa Keiki's proposal to restore the administrative authority to the Imperial Court is accepted by the Emperor.

*H-Z.*, 1867-8, I, 1.

November 12, 1867.

## 3. AN IMPERIAL EDICT.

Now that Tokugawa Keiki has restored the administrative authority to the Court, the Court directly controls the Imperial polity, quite free from bias, laying great stress on public opinion, and keeping all undisturbed those good customs and usages preserved under the Tokugawa regime. The clans shall be quite bold to fight for justice, on the one hand, and to strive for the augmentation of the glory of the empire, on the other.

*H-Z.*, 1867-8, I, 6.

January 16, 1868.

4. PROTEST PRESENTED TO THE COURT BY TOKUGAWA KEIKI.<sup>1</sup>

I beg to acknowledge with respect the receipt of the Imperial orders stating that the affair<sup>2</sup> of the Chōshū princes has been arranged in accordance with the Imperial wishes; I do not desire to object to that arrangement, but would point out that, in view of the Emperor's youth, and the importance of not alarming his Majesty or prejudicing the Imperial authority, it is necessary to take precautions against the outbreak of disturbances (in Kyōto), and to that end I am prepared to exert myself to preserve order.

I have taken careful steps for guarding the Imperial palace, but now extraordinary changes have been made, so that I am greatly distressed about preserving order. Careful instructions have been given to all officials, but I find it difficult to control such a large number of people. I have tried to do my duty towards the Throne, but fear that all my efforts will be brought to naught by the rude action of common fellows. I have, therefore, decided to retire to Ōsaka for a short time. I trust that the Emperor will understand that I am taking this action solely in the interests of the Throne, being anxious that order should be preserved and tranquility maintained within the precincts of the palace. I ought to have asked leave of the Throne before quitting Kyōto, but it would have taken time to have obtained permission, and I was afraid that in the interval, through some fault of the low rascals<sup>3</sup> who have collected

1. When the Shōgun resigned it was no part of his intention to retire completely from the administration of the affairs of the country. But it soon became apparent to him that under the new regime of direct government by the Court the power was being monopolised by the western clans, especially Satsuma and Chōshū. Thereupon he immediately retired to Ōsaka as a protest against the policy which had been adopted, and he was subsequently persuaded by his followers to contest the point with the Court. Hence arose what has been called the War of the Restoration. Cf. Gubbins, *op. cit.*, 184-5. The document given above I have taken from the same work, p. 312.

2. Gubbins, *op. cit.* pp. 155-174.

3. The Chōshū claimants who re-entered the capital immediately after the ban was lifted on January 3rd. 1868.



in the capital, a grave national crisis might be precipitated. I am, therefore leaving for Ōsaka at once.

*Sanjūnen Shi*, p. 753.

January, 7, 1868.

## 2.—THE FIRST ORGANIZATION OF THE GOVERNMENT.

### 1. THE SANSHOKU (THREE OFFICES OF THE CENTRAL GOVERNMENT) IS CREATED.

- (a) The Sōsai. The President (Prince Arisugawa).
- (b) The Gijō<sup>1</sup>. Councillor of the first class. Ten in number (two Princes, three *Kuge*, and five *Daimyō* of the leading clans in the provinces of Owari, Echizen, Aki, Tosa, and Satsuma).
- (c) The Sanyō<sup>2</sup>. Councillors of the second class. Twenty in number (five *Kuge* and fifteen clansmen of the leading clans in the provinces mentioned above).

*H-Z.*, 1867-8, I, 6.

January 3, 1868.

### 2. THE SEVEN KWA (DEPARTMENTS OF STATE).

- (1) The Department of Shintō Religion.<sup>3</sup>
- (2) " " of Home Affairs.<sup>4</sup>

1. This word denotes that the office of Sōsai is to be held by a single person who exercises supreme control in all matters. Associated with the Sōsai were two Deputies, Sanjo and Iwakura, who, with a number of other officials, made up the Sōsai's department. The best known of these subordinates were Nakayama, Ogimachi Sanjo, Goto, and Kido.

2. This word signifies to consult and decide, and was the name given to the second order of officials, who performed the functions of heads of departments.

3. Sanyō means to be connected with, and signifies a subordinate position.

4. The head of this Department was Shirakawa Sammi.

5. The head of this Department was Tokudaiji Daipagon.

- (3) The Department of Foreign Affairs.<sup>1</sup>
- (4) " " of the Army and Navy.<sup>2</sup>
- (5) " " of Finance.<sup>3</sup>
- (6) " " of Justice.<sup>4</sup>
- (7) " " of Legislation.<sup>5</sup>

*H-Z.*, 1867-8, II, 15-17.

February 10, 1868.

### 3. THE SEVEN KWA ARE REPLACED BY EIGHT KYOKU.<sup>6</sup>

#### (1) The Presidential Board.

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- 1. The head of this Department was Yameshina no Miya.
  - 2. The head of this Department was Niwaji no Miya.
  - 3. The head of this Department was Nakamikado Dainagon.
  - 4. The head of this Department was Konee Shin Saki no Dainagon.
  - 5. The head of this Department was Takadauka Saki no Udaijin.

In all cases the heads of Departments were Gijō, and associated with them in each Department were a number of San'yo, among whom are to be found many of the men who were afterwards the leaders of the reformed government.

6. When these eight Kyoku were created an attempt was made to define the functions of each. The Department of Shintō religion was to have charge of Shintō festivals, the priests and the shrines. The Department of Home Affairs was to have charge of the Capital and the five home provinces, land and water transport in all the provinces, post-towns and post-roads, barriers and fairs, and the governors of castles, ports, etc. The Department of War was to have charge of the naval and military forces, drilling, the protection of the Emperor, and military defences in general. The Department of Finance was to have charge of registers of houses and population, taxes, money, corn, accounts, tribute, building and repairs, salaries, public storehouses, and internal trade. The Department of Justice was to have charge of the censorate, inquisitions, arrests, trials, and the penal laws in general. The Department of Laws was to have charge of the superintendence of offices, enactments, sumptuary regulations, appointments and all other laws and regulations. (Though the Department of Foreign Affairs had charge of one of the questions which was occupying the public mind as much as any other, viz., the treaties with the foreigners, the document summarised in this note makes no mention of the duties of that Department.)

*Trans.* from the *Kyōto Gazette* of March 1868,  
*Japan Herald*, April 18, 1868, p. 1833.

- (2) The Department of Shintō Religion.
- (3) " " of Home Affairs.
- (4) " " of Foreign Affairs.
- (5) " " of the Army and Navy.
- (6) " " of Finance.
- (7) " " of Justice.
- (8) " " of Laws or Institutions.

*H-Z.*, 1867-8, II, 27.

February 25, 1868.

#### 4. IMPERIAL RESCRIPT TO THE DAIMYŌ.

—We have just succeeded to the Imperial Throne, and the empire is now undergoing a thorough reformation. We ourselves exercise supreme and sole decision in both civil and military matters. The national dignity and happiness depend upon Our fulfilling the duties of Our high office, and We are constantly and unrestingly applying Our thoughts to this subject.

Unworthy as We are for the task, We desire to continue the work begun by Our wise ancestors, and to carry out the policy bequeathed to Us by the late Emperor by giving peace to the clans and the people at home, and abroad by making the national glory to shine beyond the seas. Because Tokugawa Keiki harboured lawless schemes, the empire has fallen to pieces, and the result has been civil war, inflicting the greatest injuries upon the people. We have therefore been compelled to resolve on taking the field in person against him.

As has already been notified, the existence of relations with foreign countries involves very important questions. We are willing therefore for the sake of the people of the Empire to brave the perils of the deep and to undergo the greatest hardships; to swear to spread the national glory abroad, and to satisfy the departed spirits of Our ancestors, and of the late Emperor.



Do you assembled clans therefore assist Our imperfections,  
and uniting with all your heart and strength, perform the parts  
which have fallen to you, and zealously exert yourselves in  
behalf of the State.

March 21, 1868.

Trans. in the *Japan Herald*, April 18, 1868, p. 1339.

#### 5. THE SECOND ORGANISATION OF THE GOVERNMENT.<sup>1</sup>

Last winter when the Imperial Government was reformed, three offices were created,<sup>2</sup> and subsequently eight Departments were formed amongst which the duties of the Government were divided. These arrangements, made during a time of civil commotion,<sup>3</sup> were necessarily hurried and imperfect. The constitution and the offices of Government have therefore been remodelled with a view to insure the fulfilment of the Imperial Oath.

This course is by no means the result of a mere desire for change, but is prompted by the necessity of establishing those laws and regulations which have hitherto remained undetermined. As therefore there is no departure in principle from what has already been asserted, it is necessary that all officers of the Government bear this in mind and rigidly observe the fundamental principles here laid down, performing their duties in perfect confidence, so that permanent security and comfort may be ensured to the people.

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1. This document was published in the *Kyōto Gazette* and translated in the *Japan Herald*, August 29, 1868, p. 1492. It is dated June 1868, and signed by the Daijōkwan.

2. Sōsei, Gijō, and Sanyō.

3. The War of the Restoration.

## THE CONSTITUTION.

I. In ascertaining the national wishes and establishing laws and regulations the Imperial Oath<sup>1</sup> is adopted as a guide.

The Oath is as follows :—

The practice of discussion and debate shall be universally adopted, and all measures shall be decided by public argument.

High and low shall be of one mind, and social order shall thereby be perfectly maintained. It is necessary that the civil and military powers be concentrated in a single whole, the rights of all classes be assured, and the national mind be completely satisfied.

The uncivilised customs of former times shall be broken through, and the impartiality and justice displayed in the workings of nature be adopted as a basis of action. Intellect and learning shall be sought for throughout the world, in order to establish the foundations of the Empire.

The faithful execution of these different articles of the Oath has been made the object of the constitution.

II. All power and authority in the empire centres in the Daijōkwan. By this means the difficulty of divided government is obviated. The power and authority of the Daijōkwan is three-fold, legislative, executive, and judicial. Thus the balance of

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1. The following is the modern form in which this Oath appears. Cf. Uyehara, *Political Development of Japan*, p. 57. The older form of the Oath does not present any difficulties in the interpretation of the first article.

## THE IMPERIAL OATH IN FIVE ARTICLES.

I.—An Assembly widely convoked shall be established, and thus great stress shall be laid upon public opinion.

II.—The welfare of the whole nation shall be promoted by the everlasting efforts of both the governing and the governed classes.

III.—All subjects, civil and military officers, as well as other people shall do their best, and never grow weary in accomplishing their legitimate purposes.

IV.—All absurd usages shall be abandoned; justice and righteousness shall regulate all actions.

V.—Knowledge shall be sought or all over the world, and thus shall be strengthened the foundations of the Imperial Polity.

authority is preserved amongst the different branches of the Government.

III. The legislative branch cannot possess executive functions, nor can the executive branch possess legislative functions. Only extraordinary inspections of the great cities and extraordinary foreign questions can be undertaken by the legislative branch.

IV. Appointment to the highest rank of office is limited to the Princes of the Blood, the Nobles of the Court, and the territorial Nobles because of the necessity of showing due affection to the relations of the Emperor, and due respect to the great Ministers of State. The creation of the class of Imperial officers (*Chō-shi*) out of the retainers of the territorial Nobles and the common people and raising these to offices of the second rank is in order that honor may be given to wisdom.

V. Every great city, clan, and Imperial territory shall furnish *Koshi* to be members of the Assembly.<sup>1</sup> The object of establishing a deliberative body is to obtain open discussion and the opinion of the majority.

VI. The object of establishing a system of ranks is that each may be made to know the relative importance of the office he fills, and not bring it into contempt.

VII. Princes of the Blood, Nobles of the Court and territorial Nobles shall be accompanied by six two-sworded men and three lacqueys, and persons of lower rank by two two-sworded men and one lacquey. This is in order to do away with the appearance of pomp and grandeur, and to prevent the existence of a barrier between the classes.

VIII. Officers shall not discuss the affairs of the Government in their own houses with unofficial persons. If any persons desire interviews with them for the purpose of giving expression to their own opinions, they shall be sent to the office of the appropriate Department and the matter shall be openly discussed.

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1. Kogisho



IX. All officers shall be changed after four years service. They shall be appointed by a majority of votes given by ballot.<sup>1</sup> When the first period for changing the officers of Government arrives, half of the present staff shall be retained for an additional space of two years, in order that there be no interruption of the public business. Such as cannot conveniently be dismissed, because they have won general approval, must be retained for a further period of years.

X. The object of establishing a system of tribute to be paid by the Daimyō and lower classes,<sup>2</sup> the agricultural, artisan, and commercial classes, is to provide funds for defraying the expenses of Government, that the military establishments may be kept up to an efficient standard, and the people be protected. Persons possessing rank or office shall contribute one-thirtieth of their salaries or revenues.

XI. The Government in each of the great towns, clans, and Imperial territories must be conducted in accordance with the principles laid down in the Imperial Oath. The municipal law of one place must not be held binding on all others. No rank may be bestowed, no money coined, no foreigners employed without special permission. No alliances may be entered into between neighboring clans, nor between a clan and a foreign power. This is in order that there may be no conflict of greater and lesser authority, no confusion in the Constitution.

#### THE DAIJŌKWAN IS DIVIDED INTO SEVEN DEPARTMENTS.

I. The Deliberative Assembly : divided into an Upper and a Lower House ; the *Gazette Office* : is subordinate to it.

A. The Upper House consists of :—

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1. The provisions in this article of the so-called Constitution show very clearly the impracticability of the scheme here presented. Nevertheless the whole document is an interesting example of the early attempts to adapt Western practices to the needs of the country.

2. Apparently the reference here is to the lower orders of the feudal hierarchy, not the common people.

1st.—Gijō. Princes of the Blood, Court Nobles, and territorial Nobles are eligible for this office. The two chief Ministers of State (Hōshō) must be Gijō. The functions of the Gijō embrace the establishment of the constitution, the enactment of laws, the decision of questions of policy, the selection of men to fill the offices of the three higher ranks, the supreme judicial power, the conclusion of treaties, and the power of making peace and war.

2nd.—Sanyō. Nobles of the Court, territorial Nobles and their councillors (karō), two-sworded men and ordinary persons<sup>1</sup> are eligible for this office. The functions of the Sanyō are the same as those of the Gijō.

3rd.—Four Secretaries. Clan councillors (karō), two-sworded men and ordinary persons are eligible for this office. The duties of the Secretaries are to draft documents, to draw up memoranda on subjects indicated to them, and to edit the *Gazette*.

4th.—Clerks.

## B. The Lower House.

1st.—Two Presidents of debate who must be *Benji*.

2nd.—Ordinary members or *Koshi*. The subjects which the members discuss, under the orders of the Upper House, are as follows:—

Revenue laws, posting regulations, coinage, weights and measures, new conventions and treaties with foreign powers, regulations for internal and foreign commerce, colonisation, declarations of war and conclusion of peace, apprehension of criminals by land or water, enlistment of soldiers and commissariat, military establishments, erection of fortifications, arsenals and military store-houses in Daimyō's territories, disputes between different clans.

The above mentioned department exercises the legislative power.

## II. Office of the Lords President of the Council.

1st.—Two Chief Ministers of State (Hōshō) who must also be Gijō. Their duties are to advise the Sovereign, to report to him the subjects of debate in the assembly and to receive His decisions thereon, to exercise supreme con-

<sup>1</sup> The reference is not to the peasants, but to the lower ranks of the feudal hierarchy. The term "ordinary people" as used throughout this document must be so interpreted.

trol over internal affairs, and to direct the administration of the Imperial Household.

2nd.—Ten *Benji*. Nobles of the Court, territorial Nobles and their councillors, two-sworded men, and ordinary persons are eligible for this office. The *Gonbenji* are also appointed from these classes. Their duties are to carry out the orders of the Chief Ministers of State in all matters, domestic as well as foreign, and to keep the Chief Ministers acquainted with matters relating to the administration of the Imperial Household.

3rd.—*Gonbenji*. Their duties are the same as those of the *Benji*.

4th.—Six Secretaries. Their duties are to draft Imperial decrees, reports to the Emperor and all other documents, and to take cognizance of the style of documents.

5th.—Clerks.

The above department exercises the supreme executive authority.

### III. The Department of Shintō Religion.

1st.—One Minister (*Chikwanji*). Princes of the Blood, Nobles of the Court, and territorial Nobles are eligible for this office. All other *Chikwanji* are chosen from the same classes. The Minister for Shintō religion possesses supreme control in matters relating to the worship of the Gods, and over the different orders of the priesthood.

2nd.—One Vice-Minister (*Fuku-chikwanji*). Nobles of the Court, territorial Nobles and their councillors, two-sworded men and ordinary persons are eligible for this office. The same is the case with the *Fuku-chikwanji* of the other departments. The duties of the *Fuku-chikwanji* are identical with those of the *Chikwanji* of their respective Departments.

3rd.—Two *Hankwanji*. Nobles of the Court, territorial Nobles and their councillors, two-sworded men and ordinary people are eligible for this office. The *Hankwanji* of the other Departments are chosen from the same classes. Their duties are to keep the *Chikwanji* acquainted with the business of their respective Departments.

4th.—*Gon-hankwanji*. Nobles of the Court, territorial Nobles and their councillors, two-sworded men and ordinary people may be appointed to this office. The *Gon-*



hankwanji of the other Departments are chosen from the same classes.

5th and 6th.—Writers and copyists.

#### IV. The Finance Department.

This department has control of seven offices, viz., accounts, estimates, posts, building and repairs, duties and excise, currency, and municipal matters.

1st.—One Minister (Chikwanji). The Minister possesses supreme power over matters relating to land, houses, land-taxes, public labor, estimates, public treasure, presents to the Emperor, salaries and wages, public store-houses, building and repairs, transports, posts, artisans, duties and customs.

2nd.—One Vice-Minister (Fuku-chikwanji).

3rd.—Two Hankwanji.

4th.—The Gon-hankwanji.

5th and 6th.—Writers and copyists.

#### V. The Department of War.

Two sub-departments and four offices are attached to this Department, viz., the naval sub-department, the army sub-department, and the engineering, army transport, military arms, and cavalry offices.

1st.—One Minister (Chikwanji). The Minister possesses supreme control over matters relating to the Army and Navy, militia levies, defensive and offensive operations.

2nd.—One Vice-Minister (Fuku-chikwanji).

3rd.—Four Hankwanji.

4th.—The Gon-hankwanji.

5th and 6th.—Writers and copyists.

#### VI. The Foreign Department.

1st.—One Minister (Chikwanji). The Minister exercises supreme control in matters relating to diplomatic intercourse with foreign nations, and the superintendence of trade and colonisation.

2nd.—A Vice-Minister (Fuku-chikwanji).

3rd.—Six Hankwanji.

4th.—The Gon-hankwanji.

5th and 6th.—Writers and copyists.

## VII. The Judicial Department.

Three offices are attached to this Department, viz., the Censorate, the Courts of Justice, and the Police.

1st.—One Minister (Chikwanji). The Minister exercises supreme control in matters relating to the observation and execution of the laws, over the censorate, impeachments, arrests, and trials.

2nd.—One Vice-Minister (Fuku-chikwanji).

3rd.—Four Hankwanji.

4th.—The Gon-hankwanji.

5th and 6th.—Writers and copyists.

The above Department exercises the Judicial authority.

LOCAL ADMINISTRATION IS OF THREE KINDS:—

## A. Great Cities (Fu).

1st.—One Governor (Chifuji). The duties of the Chifuji are to facilitate the means of livelihood of the people, to develop the productions of the district, to promote education, to collect land-taxes, to assess public labor, to adjudge awards and punishments, and to command the local militia.

2nd.—Two Vice-Governors (Hanfuji).

B. Daimyo's Territories (Han).<sup>1</sup>

## C. Imperial Territories (Ken).

1st.—One Governor (Chikenji). The duties of the Governors of the Ken are in all respects similar to those of the Governors of the Fu.

2nd.—Two Vice-Governors (Hankenji).

## RANKS AND PRECEDENCE.

1st.—Officers of the First Rank.

Hōshō (Chief Ministers of State).

Gijō (Princes of the Blood and Nobles, Members of the Upper House of the Legislative Assembly).

Chikwanji (Heads of Departments), Naval and Military Commanders of the first class.

1. The local government of the Han was to remain strictly feudal, the Daimyō being called Chūhanji.

## 2nd.—Officers of the Second Rank.

Sanyo (Members of the Upper House of the Legislative Assembly not being Princes of the Blood or Nobles), Fuku-chikwanji, Fuchiji, Naval and Military Commanders of the second class.

## 3rd.—Officers of the Third Rank.

Gichō (Presidents of the Lower House of the Legislative Assembly), Benji, Hankwanji, Hanfuji, Chikenji of the first class, Naval and Military Commanders of the third class.

The above three classes are styled High Officers of State (Dai-jin) in communications with foreign powers.

## 4th.—Officers of the Fourth Rank.

Gon-benji, Gon-hankwanji, Gon-fuji, Chikenji of the second class.

## 5th.—Officers of the Fifth Rank.

Secretaries, Chishiji (Chiefs of sub-departments), Chikenji of the third class, Hankenji of the first class.

## 6th.—Officers of the Sixth Rank.

Hankenji of the second class, Interpreters of the first class.

## 7th.—Officers of the Seventh Rank.

Writers, Hankenji of the third class, Interpreters of the second class.

## 8th.—Officers of the Eighth Rank.

Clerks, Time-keepers, Copyists, Interpreters of the third class.

## 9th.—Officers of the Ninth Rank.

Student Interpreters, Messengers.

The Laws will be separately printed.

These rules and regulations must be faithfully observed by all officials. Should any alteration become desirable it shall be decided upon after being submitted to a General Council.

## 6. THE DEPARTMENT OF CIVIL AFFAIRS.

The Mimbukwan (Department of Civil Affairs) is newly created.



## 7. THE FUNCTIONS OF THE DEPARTMENT OF CIVIL AFFAIRS.

The Mimbukwan presides over the general affairs of the Fu and Ken. There are five bureaux:—

- (a) Bureau of Justice, which adjudicates upon suits which are *ultra vires* for the Fu and Ken authorities.
- (b) Bureau of Communications.
- (c) „ of Public Works.
- (d) „ of Productions.
- (e) „ of Miscellaneous Affairs, which takes charge of all matters not under the jurisdiction of one or other of the four bureaux mentioned above.

H-Z., 1869, 99-102.

July 12, 1869.

8. REGULATIONS GOVERNING THE BOARD OF CENSORS (DANJŌ DAI).<sup>1</sup>

- I. The Board must be entirely free from corruption, for its essential duty is to correct immoralities and abuses.
- II. The resolutions of the Board must be final, and must always be made after consultation among the members.
- III. The high and low, rich and poor are to receive equal justice at the hands of the Board.
- IV. Servility on the part of the members of the Board toward the great must be utterly rejected.

H-Z., 1870, 191.

June 10, 1870.

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1. The Censorate was one of the pre-Meiji institutions which survived the various changes connected with the Restoration. It was originally copied closely from the analogous institution in China. Its function was to exercise a moral supervision over the acts of the civil officials, both central and local. The ethical standards enforced by the Censors were purely Confucian, and had no connection with the theology of the Shintō religion.

9. THE DEPARTMENT OF PUBLIC WORKS<sup>1</sup> IS CREATED.

The Department of Public Works (Kōbushō) is created for the purpose of taking charge of mines, the iron industry, light-houses, railways, telegraphs, etc.

*H-Z.*, 1870, 367.

December 13, 1870.

## 10. CONSCRIPTION REGULATIONS (CHO-JIEI-KISOKU).

From the 1st. of January next,<sup>2</sup> conscription is to be enforced in all parts of the country. Five men for every 10,000 koku are to be called. No regard is to be paid to the social position of the people; men who are strong and serviceable are to be chosen.

## REGULATIONS.

I. Those who are chosen must be between twenty and thirty years of age, five feet (shaku) at least in height, strongly built and serviceable. They have however to pass an examination for conscription.

II. The head of a family, or a son who has old or disabled parents dependent upon him, must not be conscripted.

III. Those chosen are to serve four years. To those who have finished their service and are about to return home a sum of money is to be given according to their rank and grade.

During the term of service men are not allowed to return home for any private reason whatsoever. After the completion of their term they may remain longer in the service, if they desire to do so.

IV. Aid is to be given to those who have been disabled for life while on duty during their term of service.

V. Food, clothing, and pay are to be supplied to the men

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1. Ōkuma Shigenobu was appointed Chief of the new Department.

2. The first day of the next year was the 9th February, 1872, according to the Western calendar.

called out through the Department of the Army and Navy (Hyōbushō).

Travelling expenses to the place of service (Ōsaka) are to be paid by the locality from which the recruit comes; but to those who have completed the term of service their travelling expenses home will be defrayed by the central government.

VI. If any candidate fail to pass the examination for conscription then a substitute for him must be sent by the locality. In such a case the travelling expenses both coming and returning must be paid by the locality.

VII. All expenses except those above mentioned are to be paid by the central authorities.

VIII. Those selected for conscription by the local authorities are to be sent to the Agency of the Department of the Army and Navy at Ōsaka.

*H-Z.*, 1870, 504.

January 3, 1871.

## 11. THE CENSUS REGULATIONS.<sup>1</sup>

I. The principal object of this new plan is to make the census more complete than before, by laying stress upon the places of residence of the people, not upon the classes to which they belong. Census-districts are created, in each of which the Ko-chō and his assistant must procure accurate information as to the number of houses, of inhabitants, or births and deaths, and the movement of population.

II. The number of the Ko-chō and his assistants varies according to circumstances.

The functions of the Ko-chō may be performed by those who have filled the office of Shoya, Nanushi, Toshiyori or Funehashira, etc.

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1. This document contains 33 articles, only the first four of which are here translated. However the above articles represent the essential part of the census regulations.



III. The number and size of the census-districts are to be determined according to circumstances. For example, a *Fu* or *Gun* may be divided into a few or many districts, and a district may include four or five *machi* or seven or eight *mura*.

Where it seems difficult to divide an area into census-districts, the census may be made within a *machi* or a *mura*.

As for public schools, barracks, great temples or shrines, the officials of such public institutions, or the *shitsuji* (deacons) of the shrines and temples, may be charged with the duties of the *Ko-chō*.

IV. The *Ko-chō* is to make two clean copies of the census-register and these are to be presented to the *Shihai-jo*, together with the tables *ko-seki-hyō* and *shoku-bun-hyō*.

The *Shihai-jo* presents them to the *Chō* (Government Office) of the *Fu* or *Ken*. Where the *Shihai-jo* does not exist the papers are to be presented directly to the *Chō* by the *Ko-chō*.

The *Chō* thereafter compiles the tables, the *ko-seki-hyō* and *shoku-bun-hyō* for the whole of the *Fu* or *Ken*.

One of the two copies of the census register is to be retained in the *Chō* and the other to be forwarded to the *Daijōkwan*, together with the tables. Every six years a complete revision is to be made of the census.

*H-Z.*, 1871, 114 ff.

May 22, 1871.

## 12. THE FUNCTIONS OF THE DEPARTMENT OF JUSTICE ARE ENLARGED.

The Department of Justice (*Kyōbushō*) and the Board of Censors (*Danjō-dai*) are both abolished. The Department of Justice (*Shihō-shō*) is created and charged with the administration of all the affairs over which the *Kyōbushō* and the *Danjō-dai* have presided.

*H-Z.*, 1871.

August 24, 1871.

## 13. THE DEPARTMENT OF EDUCATION IS CREATED.

The Department of Education (Mombushō) is established in place of the Daigaku.<sup>1</sup>

*H-Z.*, 1871, 287.

September 2, 1871.

## 14. THE DEPARTMENT OF CIVIL AFFAIRS IS ABOLISHED.

The Department of Civil Affairs (Mimbushō) is abolished. The Ōkurashō (Department of Finance) will preside over all the affairs hitherto under the jurisdiction of the Mimbushō, except public works.

Public works shall be administered by the Kōbushō.

*H-Z.*, 1871, 294-95.

September 11, 1871.

3.—THE DELIBERATIVE ASSEMBLY (KOGISHO).<sup>1</sup>

## I. THE COMPOSITION OF THE KOGISHO.

1. In the previous year the Daigaku Regulations had been issued as in the following document :—

A University is to be established in the capital. The middle and elementary schools in the provinces are to obey the regulations made in the University. Those who enter the University must not be over thirty years of age, and their qualifications must be certified by the Chiji.

The course of study at the University is to last three years.

There are to be five departments, as follows :—

- I. The Department of Theology and Morals (Kyo-kwa).
- II. The Department of Law (Ho-kwa).
- III. The Department of Natural Science (Ri-kwa).
- IV. The Department of Medicine (I-kwa).
- V. The Department of Literature (Bun-kwa).

*H-Z.*, 1870, 79 *et. seq.*

March 4, 1870.

2. The clans here referred to must be understood to mean only those which had remained loyal to the Throne. For the debates carried on in this Assembly see Blue Books on China and Japan, 1868-1870.

The number of the Kōshi<sup>1</sup> who are to represent the Han opinion in the Kogisho (the National Deliberative Assembly) is fixed as follows:—

- I. Three members from every clan of 400,000 koku or more.
- II. Two members from every clan of 100,000 koku but less than 400,000 koku.
- III. One member from every clan of 10,000 koku but less than 100,000 koku.

(All members to be appointed by their lords.)

*H-Z.*, 1867-8, II, 37.

March 3, 1868.

## 2. GĪJŌ OR SANYO AS SUBSTITUTES FOR THE KŌSHI.

In the Han where the lord is appointed GĪjō or Sanyo, it is not necessary to return Kōshi.

*H-Z.*, 1867 S. II, 78.

April 21, 1868.

## 3. THE ABOLITION OF THE KOGISHO.

The Shūgi-in<sup>2</sup> (National Assembly) is abolished. All matters with which it dealt are handed over to the Sa-in.<sup>3</sup>

*H-Z.*, 1873, 309.

June, 1873.

1. "The Kōshi are clansmen selected by their Prince and sent by him to the Deliberative Assembly; they are in fact members of parliament. The object is to arrive at the opinion of the majority. The number is fixed but the period of their service unlimited, and they obey the directions of their Prince."

*Trans. from the Kyōto Gazette of March 1868.*

*The Japan Herald*, April 18, 1868, p. 1338.

2. The Kogisho was called together on two different occasions, and during the period of its activity (1869-70) several changes were introduced into its organisation, and among other things it was given a new name.

3. The Sa-in or Left Board was the 2nd of the three Boards into which the Daijōkwan was divided in 1871.



4.—ORGANISATION FOR LOCAL ADMINISTRATION.<sup>1</sup>1. LOCAL ADMINISTRATIVE DISTRICTS.<sup>2</sup>

The local administrative districts are as follows:—

- (a) The Fu. The presiding official is the Fuchiji. He is assisted by two Hanfuji.
- (b) The Han. The presiding official is the Chihanji.
- (c) The Ken. The presiding official is the Chikenji. He is assisted by the Hankenji.

*H-Z*, 1867-8,, II, 80-84.

June 13, 1868.

## 2. A LIST OF THE 276 HAN, AND THE NAMES OF THE CHIHANJI.

Han.	Province.	Chihanji.	Han.	Province.	Chihanji.
Akashi	Harima	Matsudaira	Asada	Settsu	Aoki
Akidzuki	Chikuzen	Kuroda	Anashi	Harima	Ogasawara
Amagasaki	Settsu	Sakurai	Asō	Hitachi	Shinjo
Annaka	Kōdōke	Itakura	Asao	Bitchū	Makita
Ashimori	Bitchū	Kinoshita	Chidzuka	Bizen	Ogasawara
Akao	Harima	Mori	Daishōji	Kaga	Mayeda
Ayabe	Tanba	Kuki	Fukuoka	Chikuzen	Kuroda
Ashikaga	Shimotsuke	Toda	Fukui	Echizen	Matsudaira

1. From the document printed on p. 8 ff. it is apparent that in the organisation of the government which occurred about the middle of 1868, no very clear distinction was made between Central and Local government.

2. Certain cities which had occupied a position of importance in the previous regime were created Fu. The object of these creations is obscure. The distinction between Han and Ken can be clearly explained by reference to the political situation. The Ken were created in the territory of the ex-Shōgun and his partisans, the Han in the territory of the other feudal lords. In the Han the Chihanji were in all cases the established feudal lords; in the Ken the Chikenji were invariably the appointees of the new Imperial government. At the time this administrative subdivision of the country was made the war between the Imperial Government and the Tokugawa party had been localised in the Hokkaido.

Han.	Province.	Chihanji.	Han.	Province.	Chihanji.
Fukuyama	Bingo	Abe	Karatsu	Hizen	Ogasawara
Fukuchi-	Tanba	Kuchiki	Kameyama	Ise	Ishikawa
yama			Kishiwada	dzumi	Okabe
Funai	Bungo	Ogyū	Kameoka	Tanba	Matsudaira
Fukiage	Shimotsuke	Arima	Kikuma	Kadzusa	Midsuno
Fukumoto	Harima	Ikeda	Kidzaki	Bungo	Matsudair
Fukuye	Hizen	Gotō	Kanō	Mino	Nagai
Gunjō	Mino	Aoyama	Kururi	Kadzusa	Kuroda
Hikone	Omī	Ii	Karasuyama	Shimotsuke	Ukubo
Himeji	Harima	Sakai	amlyama	Uzen	Matsudaira
Hirato	Hizen	Matsuura	Koriya	Mikawa	Doi
Hanbara	Mikawa	Abe	Katsuyama	Echizen	Ogasawara
Hakata	Idzumi	Watanabe	Kashiwahara	Tanta	Oda
Hayashida	Harima	Tatebe	Koromo	Mikawa	Naitō
Hirosaki	Mutsu	Tsugaru	Kurobane	Shimotsuke	Osaki
Hirose	Idzumo	Matsudaira	Kameda	Ugo	Iwaki
Hiji	Bungo	Kinoshita	Kambe	Ise	Honda
Honjō	Ugo	Rokugō	Kachiyama	Awa	~akai
Hanabusa	Awa	Nishio	Koidzumi	Yamato	Katagiri
Horiye	Tōtōmi	Osawa	Komono	Ise	Hijikata
Hisai	Ise	Tōdō	Kiyosaki	Echigo	Matsudaira
Hasuike	Hizen	Nabeshima	Kurokawa	Echigo	Yanagisawa
Hiroshima	Aki	Asano	Kushira	Yamato	Nagai
Hachinohe	Mutsu	Nambu	Komatsu	Iyo	Hitotsu-
Itsunohara	Tsushima	Sō			yanagi
Inuyama	Owari	Naruse	Konnikawa	Shimōsa	Uchida
Imaharu	Iyo	Hisamatsu	Kokubo	Kadzusa	Tanuma
Idzushi	Tajima	Sengoku	Kawagoye	Musashi	Matsui
Iwamura	Mino	Matsudaira	Kanokara	Bitchū	Ikeda
Ichinoseki	Rikuchū	Tamura	Kashima	Hizen	Nabeshima
Iwakitaira	Iwaki	Sakai	Kiyosuge	Nagato	Mōri
Iwatsuki	Musashi	Uoka	Kuroishi	Mutsu	Tsugaru
Imao	Mino	Takekoshi	Kuwana	Ise	Matsudaira
Iino	Kadzusa	Hoshina	Konoro	Shinano	Makino
Iiyama	Shinano	Honda	Kōriyama	Yamato	Yanagisawa
Ishioka	Hitachi	Matsudaira	Kaharu	Bizen	Ogasawara
Isezaki	Kōdruke	Sakai	Mito	Hitachi	Tokugawa
Idzumi	Iwaki	Honda	Matsuye	Idzumo	Matsudaira
Iwamurata	Shinano	Naitō	Mayebashi	Kōdruke	Matsudaira
Iida	Shinano	Hori	Matsuyama	Iyo	Hisamatsu
Ichinomiya	Kadzusa	Kanō	Miyatsu	Tango	Honjō
Iwakuni	Suwō	Yoshikawa	Matsumoto	Shinano	Foda
Iwakitaira	Iwaki	Andō	Marugame	Sanuki	Kyōgoku
Ikusaka	Bitchū	Ikeda	Miharu	Iwaki	Akita
Iwasaki	Ugo	Satake	Maruoka	Echizen	Arima
Kanazawa	Kaga	Mayeda	Maidzuru	Tango	Makino
Kagoshima	Satsuma	Shimadzu	Mibu	Shimotsuke	Torii
Kumamoto	Iligo	Hosokawa	Muramatsu	Echigo	Hori
Kōchi	Tōsa	Yamanouchi	M naguchi	Omī	Katō
Kurume	Chikugo	Arima	Matsuoka	Hitachi	Nakayama
Kubota	Ugo	Satake	Majima	Mimasaka	Miura
Kasama	Hitachi	Makino	Matsumine	Ugo	Sakai
Koga	Shimōsa	Doi	Moriyama	Hitachi	Matsudaira

Han.	Province.	Chihanji.	Han.	Province.	Chihanji.
Mikadzuki	Harima	Mori	Ogi	Hiizen	Nabeshima
Miyakawa	Ōmi	Hotta	Ōdsumi	Uzen	Sakai
Mori	Bungo	Kurushima	Oshi	Musashi	Matsudaira
Mikami	Ōmi	Endō	Obata	Kōdzuke	Matsudaira
Mineyama	Tango	Kyōgoku	Rokuhara	Musashi	Yonekura
Muraoka	Tajima	Yamana	Shidzuoka	Suruga	Snimadzu
Mikusa	Harima	Niwa	Saga	Hiizen	Nabeshima
Mineyama	Echigo	Makino	Sendai	Kikuzen	Date
Mori	Idzumo	Matsudaira	Shiroishi	Iwaki	Nambu
Mikkaichi	Echigo	Yanagisawa	Sakura	Shimōsa	Hotta
Matsushiro	Shinano	Sanada	Shibata	Echigo	Mizoguchi
Murakami	Echigo	Naitō	Shimabara	Hiizen	Matsudaira
Mirke	Chikug	Tachibana	Shinjō	Uzen	Tozawa
Morioka	Rikuchū	Nambu	Sasayama	Tanba	Aoyama
Nagoya	Owari	Tokugawa	Shibayama	Kadzusa	Ōta
Nakatsu	Bizen	Okudaira	Sekiyado	Shimōsa	Kuse
Nabeoka	Hyūga	Naitō	Sabaye	Echizen	Manabe
Nishio	Mikawa	Matsudaira	Sanda	Set su	Kuki
Nihonmatsu	Iwashiro	Niwa	Shingu	Kii	Midzuno
Nagao	Awa	Honda	Saijō	Iyo	Matsudaira
Numada	Kōdzuke	Doki	Shigehara	Mikawa	Itakura
Nakamura	Iwaki	Sōma	Sadohara	Hyūga	Shimadzu
Nagaoka	Echigo	Makino	Sonobe	Tanba	Koide
Niwase	Bitchū	Itakura	Sayegi	Bungo	Mōri
Nilmi	Bitchū	Seki	Shimodate	Hitachi	Ishikawa
Nishinōji	Ōmi	Ichihashi	Sanuki	Kadzusa	Abe
Nariha	Bitchū	Yamasaki	Sano	Shimotsuke	Hotta
Nagatoro	Uzen	Yonetsu	Shijiku	Hitachi	Hondō
Nishibata	Mikawa	Honda	Suzaka	Shinano	Hori
Nayeki	Mino	Tōyama	Shiya	Echigo	Hori
Nanokaiichi	Kōdzuke	Mayeda	Shibamura	Yamato	Oda
Nishihira	Mikawa	Ōoka	Shishido	Hitachi	Matsudaira
Nagashima	Ise	Masuyama	Sakurai	Kadzusa	Takiwaki
Nomura	Mino	Toda	Shichinohe	Rikuchū	Nambu
Niia	Iyo	Katō	Shimodama	Hitachi	Inouye
Ōgino	Sagami	Ōkubo	Sayama	Kawachi	Hōjō
Ōtahara	Shimotsuke	Ōahara	Tottori	Inaba	Ikeda
Okada	Bitchū	Itō	Tsu	Ise	Tōdō
Oimi	Shimōsa	Morikawa	Takata	Echigo	Sakakibara
Ono	Harima	Hitotsu- yanagi	Takamatsu	Sanuki	Matsudaira
Ono	Echizen	Doi	Toyama	Etchū	Mayeda
Omizo	Ōmi	Itabe	Tsuyama	Mimasaka	Matsudaira
Okayama	Bizen	Ikeda	Tsuchiura	Hitachi	Tsuchiya
Obama	Wakasa	Sakai	Takasaki	Kōdzuke	Okōchi
Ōgaki	Mino	Goda	Toyohashi	Mikawa	Okōchi
Sagawara	Sagami	Ōkubo	Tatebayashi	Kōdzuke	Akimoto
Ōka	Bungo	Wakayama	Tsurumai	Kadzusa	Inouye
Ōsu	Iyo	Katō	Tanakura	Iwaki	Abe
Ōbi	Hyūga	Itō	Tatsuno	Harima	Wakizaka
Okazaki	Mikawa	Honda	Tanabe	Kii	Andō
Omura	Hiizen	Omura	Takatsuki	Settsu	Nagai
Ōtaki	Kadzusa	Ōkōchi	Takatō	Shinano	Naitō
			Takashima	Shinano	Suwa



Han.	Province.	Chihanji.	Han.	Province.	Chihanji.
Toba	Shima	Inagaki	Uwajima	Iyo	Date
Takasu	Mino	Matsudaira	Uyeda	Shinano	Matsudaira
Takanabe	Iiyōga	Akidaki	Ushiku	Hitachi	Yamaguchi
Takatori	Yamato	Uyemura	Usuki	Bungo	Inaba
Tendō	Uzen	Oda	Utsunomiya	Shinotsuke	Toda
Tatsuno	Shinano	Uryū	Wakayama	Ki-i	Tokugawa
Toyoka	Tajima	Kyōgoku	Yamaguchi	Suwō	Mōri
Tsurumaki	Kadzusa	Midzuno	Yamakami	Omī	Inagaki
Tahara	Mikawa	Miyake	Yonezawa	Uzen	Uyesugi
Tako	Shimōsa	Hisunatsu	Yodo	Yamashiro	Inaba
Tawaramoto	Yamato	Hirano	Yoshida	Iyo	Date
Tadotsu	Sanuki	Kyōgoku	Yatsuyoshi	Higo	Sagara
Tateyama	Awa	Inaba	Yatabe	Hitachi	Hosokawa
Takaoka	Shimōsa	Inouye	Yoita	Echigo	Ii
Tsuruga	Echizen	Sakai	Yuki	Shimōsa	Midzuno
Takatomi	Mino	Honjō	Yajima	Ugo	Ikoma
Tannan	Kawachi	Takagi	Yunagaya	Iwaki	Naitō
Tokushima	Awa	Hachisuka	Yamagata	Tanba	Tani
Tsuruta	Mimasaka	Matsudaira	Yacagimoto	Yamato	Oda
Isawano	Iwami	Kamei	Yoshi-i	Kōzuke	Yoshi-i
Tachi	Toshima	Matsumaye	Yamazaki	Harima	Honda
Takatoku	Shinotsuke	Toda	Yagyū	Yamato	Yagyū
Toyoura	Nagato	Mōri	Yanagawa	Chikugo	Tachibana
Tokuyama	Suwō	Mōri	Yanagata	Ugo	Midzuno
Takabashi	Bitchū	Itakura	Zene	Omī	Honda
Tomami	Mutsu	Matsudaira			

### 3. THE OFFICE OF KOMUNIN IS CREATED.

The Office of the Komunin is established in the Han. The Kōshi is to fill this office. The Komunin is to act as mediator between the National and the Han governments.

*H-Z.*, 1867-8, II, 172

July 16, 1868.

### 4. THE GOVERNMENT OF KYŌTO-FU.

The Chifuji as the Governor of the Fu presides over all branches of the Administration. The Hanfuji assists the Chifuji, and especially takes charge of Judicial Affairs. Two Gonhanfuji and the department for city administration are superin-

tended by the Hanfuji, while the department for district administration is under the control of one of the Gon-hanfuji.

*H-Z.*, 1867-8, II, 243.

September 20, 1868.

#### 5. THE KOMUNIN'S NAME IS CHANGED.

The Komunin is to be called the Koginin.

*H-Z.*, 1867-8, II, 260.

October 5, 1868.

#### 6. THE ORGANISATION OF THE HAN GOVERNMENT.

The Han governments are made uniform. The principal officials are as follows :—

- I. Shissei, subject to Imperial authority. He assists his lord, and presides over the general affairs of the Han.
- II. Sansei, subject to the Imperial authority. He participates in every branch of the Han administration.
- III. Koginin, subject to the Imperial authority. He represents the Han opinion in the National Deliberative Assembly.

The regulations concerning the appointment of the Han officials, and the creation of offices are as follows :—

I. Both the Shissei and Sansei are to be appointed by their lords who, however, are bound to choose the fittest and ablest for the posts, irrespective of any other considerations.

II. Offices may be created at will by the lord in order to secure the efficient administration of the civil, criminal, military, and miscellaneous affairs. Simplicity must, however, be taken into account.

III. The Kachiji (afterwards called Karei) are to be appointed, in order to administer the domestic affairs of the Han on behalf of their lords.

IV. The Koginin is to be chosen from among those who have been appointed Shissei or Sansei.

*H-Z.*, 1867-8, II, 337.

December 11, 1868.

7. REGULATIONS GOVERNING THE ADMINISTRATION OF THE FU AND KEN.

I. The administrative policy shall be unified.

II. The ordinary expenditure shall be fixed in accordance with the ordinary revenue.

III. Some form of deliberative assembly shall be established, and great stress shall be laid upon public opinion.<sup>1</sup>

IV. A census shall be taken. The cōoperation of the inhabitants shall be encouraged.

V. Maps shall be prepared.

VI. Precautions shall be taken against distress occasioned by bad harvests.

VII. Good behavior shall be encouraged.

VIII. A system of poor-relief shall be established.

IX. Good customs and usages shall be maintained; frugality shall be encouraged.

X. Elementary schools shall be established.

XI. Natural resources shall be thoroughly utilised; stock-farming as well as other means of promoting the welfare of the people shall be encouraged.

XII. Taxes shall be moderately and impartially levied.

*H-Z.*, 1869, 59-60.

March 17, 1869.

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1. The peasants, of course, are not referred to here.



## 8. THE NUMBER OF THE FU REDUCED TO THREE.

Except Tōkyō, Kyōto, and Ōsaka, all the other Fu-districts<sup>1</sup> are abolished.

*H-Z.*, 1869, 274.

August 24, 1869.

## 9. THE HOUSE-TAX.

A house-tax is to be imposed in Tōkyō-fu in order that the expense of protection against fire and thieves may be met.

*H-Z.*, 1870, 326.

September 27, 1870.

## 10. THE ORGANISATION OF THE HAN ADMINISTRATION.

The Han are to be divided into three classes, viz.; Tai-Han (over 150,000 koku), Chū-Han (over 50,000 koku), Shō-Han (less than 50,000 koku).

The Officials in the Han are to be graded as follows :—

1. Chiji.
2. Dai-sangi (two only).
3. Gon-dai-sangi (to be created only if needed).
4. Shō-sangi (five only).
5. Gon-shō-sangi (not to be created in the small han).
6. Daisakwan.
7. Gon-daisakwan.
8. Shōsakwan.
9. Gon-shōsakwan.

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1. The Fu which were in existence toward the end of 1868 were the following: Kyōto-Fu, created on April 26th, 1868; Hakodate-Fu created June 12th, 1868; Ōsaka-Fu created on June 21st, 1868; Nagasaki-Fu created on June 23rd 1868; Edo-Fu, created on June 30th, and renamed Tōkyō-Fu on September 3rd 1868, Niigata-Fu, which had been created Echigo-Fu on July 22nd, and renamed on October 6th, 1868; Watarai-Fu created on August 23rd 1868; Nara-Fu created on August 26th, 1868; Kai-Fu created on December 11th, 1868.

10. Chō-iō.

11. Shibu.

The number of the officials in the 6th grade and below to be determined according to circumstances.

*H-Z.*, 1870, 338.

October 4, 1870.

#### 11. LIMITS UPON THE SIZE OF THE HAN ARMIES.

The number of soldiers enrolled in the army of a Han is not to exceed 60 for every 10,000 koku. This number does not include officers.

*H-Z.*, 1870, 367.

December 20, 1870.

### 5.—THE ABOLITION OF FEUDALISM.

#### 1. THE PROPOSAL TO RETURN THE REGISTERS.

Four western lords, Shimadzu, Mori, Nabeshima, and Yamanouchi propose to give up their fiefs.

*H-Z.*, 1869, 42.

March 5, 1869.

#### TEXT OF THE PROPOSAL.

Your servants again venture to address Your Majesty with profound reverence. Two things are essential to the Mikado's administration. There must be one central body of government, and one universal authority which must be preserved intact. Since the time when Your Majesty's ancestors founded this country and established a basis of government, all things in the wide expanse of heaven and all things on earth to its furthest limits, have belonged to the Emperor from generation to generation. This is what is known as "one central government." And the sole power of giving and of taking away, which renders

it impossible for the nobles to hold the people in subjection in virtue of their land, or to deal with the smallest piece of ground at their pleasure, or to seize and treat despotically any individual of the humbler classes, this is what is understood by the term "one universal authority."

The administration of the Emperors was conducted entirely on this principle. They conducted the government in their own persons, the name and reality of power were combined, and consequently the nation was tranquil and contented. But from the time of the middle ages the administration became lax, and the authority of the Emperors came to be a plaything. All men fighting for power, changes of government followed each other in rapid succession, until half of the country fell into the hands of men who dealt with the people and the land at their pleasure; and in the end a state of things was reached where there was nothing but open contention and acts of violence. The government having no body of administration to protect, and no effective power, was unable to control matters. Everywhere men of influence, but of unprincipled character, took advantage of the existing disorder to promote their own interests, and the weak became food for the strong.

The most powerful barons took possession of fourteen or fifteen provinces, while those of less influence collected bodies of armed retainers to the number of five or six thousand. Successive Shōguns seized land and people arbitrarily whenever they thought fit, and by this means extended their influence. Finally the Mikado's government lost all real authority, and was entirely dependent upon the will of the Shōgunate. The boundless despotism of the Shōgunate lasted for over six hundred years, and during this interval violent dealings with land and with the people were carried out by stealth under pretence of the Imperial authority. These acts were rendered possible owing to the existence of people who could not dissociate themselves from the time-honored observances of the past, and were still guided by the reverence due from a subject to his sovereign, and by a



proper sense of the relation which should exist between high and low.

The ancient family of the Tokugawa dynasty of Shōguns and their relatives held half the country ; as a natural consequence fresh families were constantly springing up ; and it became a precedent founded on long custom which has lasted up till the present time for these numerous branches of the Tokugawa family to take no heed of the question as to whether their lands and subjects had been received in grant from the proper Government or not. It was commonly said by members of these families : " These possessions of ours were gained by the military power of our ancestors." But there is little doubt that those ancestors had originally raised forces, plundered the Imperial store-houses, and laid forcible hands on the treasures contained, and had braved the penalty of death in the execution of their designs. Those who break into store-houses are commonly termed robbers, but no suspicion was attached by the nation to those who seized upon the land and people. It is terrible indeed this confusion between right and wrong.

It is now sought to establish an entirely new form of government. Care must, therefore, be taken to preserve intact both one central body of government, and one universal authority. The land in which your servants live is the land of the Emperor, and the people whom they govern are his subjects. Neither the one, therefore, nor the other can belong to your servants.

Your servant's accordingly beg respectfully to surrender to Your Majesty the registers of the population, and beg Your Majesty to deal with everything as you may think fit, giving what should be given and taking away what should be taken away. They entreat Your Majesty to issue such Imperial Decrees as may be deemed necessary to deal with the lands and people of the four clans represented in this memorial, and to make such changes as Your Majesty may think proper. They also beg that all laws, decrees, and military regulations, extending even to military dress and ac-

coutrements, may be issued by the Central government, so that all matters of state may be decided by one and the same authority. In this way both name and reality will be secured, and this country will be placed upon a footing of equality with foreign powers.

Your servants share the responsibility which the present critical condition of affairs entails upon the Mikado's government. It is this which has led them to represent their foolish views for the consideration of Your Majesty.<sup>1</sup>

#### 2. THE PROPOSAL APPROVED BY THE EMPEROR.

The proposal of the western lords is highly approved by the Court.

*H-Z.*, 1869, 42.

March 6, 1869.

#### 3. THE ABOLITION OF THE OLD ORDERS OF NOBILITY.

The Court Nobles (*Kuge*) and the Feudal Lords (*Shoko*) are given the same rank, and are to be called Kazoku. Those who have not yet proposed to give up their fiefs are to be compelled to hand back their registers. The Feudal Lords are created Chihanji (Governors of the Han).

*H-Z.*, 1869, 221.

July 25, 1869.

#### 4. IMPERIAL RESCRIPT ON THE ABOLITION OF THE HAN.

We are of the opinion that in a time of radical reform like the present, if We desire by its means to give protection and tranquility to the people at home, and abroad to maintain

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1. Gubbins, *op. cit.* 313-15.

equality with foreign nations, words must be made to mean in reality what they claim to signify, and the government of the country must centre in a single authority.

Some time ago We gave Our sanction to the scheme by which all the clans restored to Us their registers ; We appointed Chiji for the first time, each to perform the duties of his office.

But owing to the lengthened endurance of the old system during several hundred years, there have been cases where the word only was pronounced and the reality not performed. How is it possible for Us, under such circumstances, to give protection and tranquility to the people, and to maintain equality with foreign nations ?

Profoundly regretting this condition of affairs, We now completely abolish the Clans (Han) and convert them into Domains (Ken),<sup>1</sup> with the object of diligently retrenching expenditure and of arriving at convenience of working, of getting rid of the unreality of names and of abolishing the disease of government proceeding from multiform centers.

Do ye, Our assembled servants, take well to heart this Our will.

*H-Z.*, 1871, 283.

August 29, 1871.

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1. The number of Ken created upon this occasion was 302, which number included all the former Han, and in addition the former Ken.



## II.—THE RECONSTRUCTION.<sup>1</sup>

1871-1889.

### 1.—THE ORGANISATION OF THE CENTRAL GOVERNMENT, 1871-75.

#### I. ORGANISATION OF THE COUNCIL OF STATE (DAIJÖKWAN).

##### I. Sei-in (Central Board).

- (a) 1. Daijō-daijin.
2. Nagon.
3. Sangi.
4. Sumitsu-taishi.
5. Sumitsu-Gontaishi.
6. Sumitsu-Shoshi.
7. Sumitsu-Gonshoshi.
8. Taishi.
9. Gon-taishi.
10. Shoshi.
11. Gon-shoshi.
- (b) Shikibu-kyoku (Board of Ceremonies).
- (c) Toneri-kyoku (Board of Chamberlains).
- (d) Gagaku-kyoku (Board of Music).

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1. The division between the Restoration and the Reconstruction is in many respects arbitrary; e.g., in the matter of the organisation of the Central Government the work of reconstruction was going on actively from 1867. Nevertheless, the fourteenth day of the seventh month, 1871, old style, the day on which the Han were formally abolished and the Ken created, marks the turning point in Japan's history between 1867 and 1889. For this reason I have chosen to date the reconstruction from August 1871.

- II. Sa-in (Left Board).
  - (a) Gichō (President.)
  - (b) Gi-in (Councillors) of the 1st, 2nd, and 3rd classes.
- III. U-in (Right Board).
  - (a) Chokwan (Chief).
  - (b) Jikwan (Assistant Chief.)

*H-Z.*, 1871, 296.

September 13, 1871.

## 2. REFORM OF THE ORGANISATION OF THE COUNCIL OF STATE.

The Nagon and the Sumitsu-shi are both abolished, while the Sa-daijin and the U-daijin, the Naishi and the Gwaishi are created.

The Gi-in is renamed the Gi-kwan and divided into three classes, Dai, Chū, and Shō.

The Fuku-gichō (Vice-president) is created in the Sa-in.

The Shikibu-ryō is established to take charge of the affairs of the Board of Musicians and the Board of Chamberlains.

*H-Z.*, 1871, 317.

## 3. THE DEPARTMENT OF WAR (RIKUGUNSHŌ) AND THE DEPARTMENT OF THE NAVY (KAIGUNSHŌ) ARE CREATED.

The Hyōbushō (Department of the Army and Navy) is abolished, and the Rikugunshō and the Kaigunshō are established.

*H-Z.*, 1872, 71.

April 7, 1872.

## 4. THE DEPARTMENT FOR RELIGION (KYŌBUSHŌ) IS CREATED.

The Shingikwan (Department for Shintō Religion) is abolished, and the Kyōbushō is established.

*H-Z.*, 1872, 79.

April 21, 1872.

5. THE END OF THE DEPARTMENT OF RELIGION.<sup>1</sup>

The Department for Religion (Kyōbushō) is amalgamated with the Department of Education (Mombushō).

*H-Z.*, 1872, 218.

November 25, 1872.

## 6. THE DEPARTMENT OF HOME AFFAIRS (NAIMUSHŌ).

The Department of Home Affairs<sup>2</sup> is created.

*H-Z.*, 1873, 573.

November 10, 1873.<sup>3</sup>

## 7. ORGANISATION OF THE DEPARTMENT OF HOME AFFAIRS.

The Constitution and Rules for the conduct of business of the Naimushō are provisionally settled.

(See February 18, on which date they were revised.)

*H-Z.*, 1874, 380-85.

January 10, 1874.

1. At the time of the Restoration the Kyōbushō was a Department of equal rank with the Council of State and was called the Shingikwan (the Office of the Gods of Heaven and Earth). It was first reduced to the level of the eight Departments, and then converted into the Kyōbushō, and now it disappears altogether. The rapid decline of importance of this Department is an indication of how little vitality there was in Shintō.

2. By a Notification issued on June 9, 1874, the Department of Home Affairs was given rank next in importance after the Department of Foreign Affairs. At the same time it was sub-divided into the following bureaux:—Agriculture, Police, Registration, Posts, Building and Repairs, Topography, and Surveying.

3. The dates attached to all the documents are given in terms of the Gregorian calendar. The change to the western calendar was effected on the day following the 2nd day of the 12th month of the 5th year of Meiji, which day was called the 1st day of the 1st month of the 6th year of Meiji (corresponding to the 1st January, 1873). The change was made by leaving out all of the 12th month after the 2nd day.



8. CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE DEPARTMENT OF HOME AFFAIRS (AS REVISED).

CONSTITUTION.

I. Kyo (Chief of the Department) directs and controls all his subordinates, and presides over the general affairs of his Department.

The Kyo may seek advice from the Councillors of State (Daijin) in promoting the welfare of the people, in taking the census, in encouraging industry, in maintaining local peace, and in conducting public works, surveys, geographical surveys, communications, etc., He is responsible to the Emperor for the proper discharge of his duties.

He puts the Emperor's special grace and amnesty into effect.

In some matters he must receive the sanction of the Emperor, while in others he has discretion to act on his own motion.

Of his own discretion he may act in all matters presented to him from the various bureaux (*kyo-shi*).

He must seek advice from the Council of State in promoting or degrading officials of *sonin* rank or above in his Department; officials of such rank can be removed from office only by the Council.

On the recommendation of the Jo (the head of the bureaux) he may at his discretion promote or degrade officials of *hannin* rank or below.

He participates in the appointment, promotion, degrading and dismissal of the local officials of *sonin* rank and above.

He has power to send officials of *sonin* rank and below on tours of inspection.

II. Tayu and Sho. They stand next in order of services and responsibilities to the Kyo. They represent the Kyo in his absence.

III. Daijo and Shojo. They manage the affairs of the

Kwa (Division) under the supervision of the Kyo. They are responsible to the Kyo for the proper discharge of their duties. They receive official papers concerning the affairs of the Department. They revise the monthly official reports and present them to the Kyo. They superintend officials of *hannin* rank and below, control the affairs of the Kwa, and consult the Kyo in promoting or degrading officials.

IV. Daisakwan, Gon-daisakwan, Chūsakwan, Gon-chusakwan, Shōsakwan, Gon-shōsakwan: They carry out the orders of the Chief of the Division (Kwacho). They receive orders from the Kwacho in disposing of official papers.

#### RULES FOR THE CONDUCT OF BUSINESS.

I. The Department makes regulations for the census and revises such regulations.

II. The Department establishes poor-houses and hospitals, and issues regulations to govern them.

III. The Department encourages good behaviour by establishing a system of rewards for good conduct.

IV. The Department establishes rules governing agricultural schools and societies.

V. The Department delimits the boundaries of provinces and districts.

VI. The Department establishes, removes or abolishes local government offices.

VII. The Department increases or decreases the expenses of the local government offices and the burdens of taxation on the local people.

VIII. The Department creates or abolishes the Bureaux (Kyoshi), and revises their constitution and the rules for the conduct of their business.

IX. The Department appoints and removes officials of *sonin* rank and above.

X. The Department makes roads, embankments and bridges, and makes regulations governing them.

XI. The Department makes regulations for the postal service and revises them.

XII. The Department makes regulations for merchant ships.

XIII. The Department makes regulations for forests and forestry.

XIV. The Department makes loans or gives charity at its discretion (in cases not covered by the regulations).

XV. The Department increases or decreases the number of officials.

XVI. The Department preserves the records from all parts of the country.

XVII. The Department preserves all places and buildings of historical importance.

XVIII. The Department provides facilities for transportation by land and sea.

XIX. The Department regulates places of amusement.

XX. The Department grants prizes according to proper regulations.

XXI. The Department grants charity and makes loans in accordance with proper regulations.

XXII. The Department grants aid in establishing factories, except those for issuing money.

XXIII. The Department makes provision for foundlings, and disposes of the cases of those who have without authority left their registered places, or have returned to their places, and other like cases, in accordance with proper regulations.

XXIV. The Department investigates the boundaries of towns and villages, and other places where the boundaries are often doubtful, as in agricultural fields, forests, moors, swamps, lakes, ports, sea-coasts, etc.

XXV. The Department participates in taxation.

XXVI. The Department conducts a survey of the land.

XXVII. The Department disposes of agricultural land, forests, and homesteads in accordance with proper regulations.



XXVIII. The Department searches for and rescues persons, animals and houses which have been overwhelmed by a great natural calamity.

XXIX. The Department establishes sanitary institutions.

XXX. The Department revises the organisation of towns and villages, and changes the territorial names.

XXXI. The Department has power to establish or abolish branch offices in outlying districts.

XXXII. The Department repairs, and at its discretion disposes of roads, embankments and bridges.

XXXIII. The Department defrays all its expenses up to a fixed amount.

XXXIV. The Department may communicate directly with the people, and issue commands directly and not through the local government offices, if the matters lie within its competency.

XXXV. The Department makes and presents monthly financial statements dealing with all public expenditures, such as salaries, travelling expenses, costs of repairs and urgent works.

XXXVI. The Department administers affairs which concern itself and some other department after first consulting the Department in question.

XXXVII. The Department draws up and presents monthly reports dealing with all business transacted by the Department.

*H-Z*, 1874, 380-85.

February 18, 1874.

#### 10. RULES FOR THE CONDUCT OF BUSINESS IN THE DEPARTMENT OF HOME AFFAIRS REVISED.

Article V. is changed to read "The Department makes regulations concerning the land, and delimits the boundaries of provinces and districts."

Article XXV. is abolished.

Article XXVI. is changed to read "The Department makes a survey of the land, and keeps the records of the land."

Article XXVII. is made to read "The Department in accordance with proper regulations, disposes of land owned by the State or the people or by both, and investigates the status of land which has been abandoned."

*H-Z.*, 1874, 505.

August 17, 1874.

# 11. RULES FOR THE CONDUCT OF BUSINESS IN THE DEPARTMENT OF HOME AFFAIRS FURTHER REVISED.

The following clauses are added :—

- I.—The Department establishes prisons, and provides the funds necessary for their upkeep.
- II.—The Department makes regulations for the management of prisons, and the safety of prisoners.

*H-Z.*, 1874, 511.

November 12, 1874.

## 2.—THE ORGANISATION OF THE CENTRAL GOVERNMENT, 1875-1884. \*

### 1. IMPERIAL PROCLAMATION ANNOUNCING THE CREATION OF THE GENRO-IN AND THE DAISHIN-IN.

On ascending the Imperial Throne, We assembled the nobles and high officials of Our realm, and took oath before the Gods to maintain the five principles, to govern in harmony with public opinion and to protect the rights of Our people.

Assisted by the sacred memory of the glorious line of Our holy ancestors and by the union of Our subjects, We have attained a slight measure of peace and tranquillity.

So short a time, however, has elapsed since the late

Restoration, that many essential reforms still remain to be effected in the administration of the affairs of the Empire.

It is Our desire not to restrict Ourselves to the maintenance of the five principles which We swore to preserve, but to go still further and enlarge the circle of domestic reforms.

With this in view We now establish the Genro-in to enact laws for the Empire, and the Daishin-in to consolidate the judicial authority of the Courts. By also assembling representatives from the various provinces of the Empire, the public mind will be best known and the public interest best consulted, and in this manner the wisest system of administration will be determined.

We hope by these means to secure the happiness of Our subjects and Our own. And while they must necessarily abandon many of their former customs, yet must they not on the other hand, yield too impulsively to a rash desire for reform.

We desire to make you acquainted with Our wishes, and to obtain your hearty coöperation in giving them effect.

*H-Z.*, 1875, 8.

April 14, 1875.

## 2. THE GENRO-IN AND DAISHIN-IN.

(Imp. Notif. No. 59, April 14, 1875.)

The Sa-in and U-in are abolished.<sup>1</sup>

The Genro-in and the Daishin-in are founded.

The Shikibu-ryo is for the future attached to the Household Department.

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1. This important change in the organisation of the Government was the result of the appointment, on March 17, of a commission consisting of Kido, Okubo, Ito, and Itagaki, the object of which was the study of administrative methods with a view to suggesting a reform of the existing system.



3. CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE SENATE (GENRO-IN).

(Imp. Notif. No. 217, Dec. 28, 1875.)

CONSTITUTION.

A President:—Specially appointed (at the pleasure of the Emperor). His functions are to preside in the Chamber, to maintain order in debate, to observe and maintain the rules of the Chamber, and to enforce the Statutes and Regulations relating thereto. He is also charged with the promotion and degrading of officials in the third rank and below.

A Vice President:—Specially appointed (at the pleasure of the Emperor). He fulfils the functions of the President in his absence from the Chamber, or in the vacancy of the post of President.

Two Official Chiefs:—They are specially appointed from among the members of the Senate. Their functions are to transact the miscellaneous and financial business of the Chamber.

Senators:—Their functions are to deliberate upon bills, in accordance with the rules of the Chamber. The above are all officials of the first grade.

Chief Secretaries:—They will take their instructions from the President. Their duties are to be present at the sittings of the Chamber, to conduct the proceedings as prescribed, to read bills and take minutes of debates, and to draft documents to be submitted to the Emperor.

Assistant Chief Secretaries:—They will take their instructions from the President or members of the Senate. Their duty is to transact the office work of the Chamber in its various branches.

Secretaries, Assistant Secretaries:—Their duties are similar to those of the Assistant Chief Secretaries.

The above are all officials of the second grade.

Clerks of 1st. to 10th. grades (*vide* Imp. Notification No. 15, 1877). Their duties are to do the clerical work and accounting under the various business departments of the Chamber,

The above are all officials of the third grade.

#### RULES OF THE SENATE.

I. The Senate is a body of consultative officers for legislative business, whose functions are to discuss and decide upon measures of new legislation or for the revision of existing laws.

II. The Senators are specially appointed (at the pleasure of the Emperor).

III. The persons appointed by the Emperor to the position of Senators shall be either (1) Nobles, or (2) persons at present or formerly of official position in the first or second grades, or (3) persons who have rendered meritorious services to the State, or (4) persons of political or legal knowledge and experience.

IV. All bills for the Senate are sent down from the Cabinet by the command of the Emperor.

V. Bills are of two classes :—(1) bills for decision in the Senate, and (2) bills for inspection (only). The Cabinet decides the class of bills.

VI. Legislative measures demanding immediate execution, the urgency of which prevents their inspection by the Senate, may be issued by the Cabinet at its own convenience, and afterwards submitted to the Chamber for inspection.

VII. The Senate is empowered to submit to the Emperor recommendations for fresh legislation or for the repeal or amendment of existing laws. If such a recommendation be approved, the Cabinet prepares a bill accordingly which is again sent to the Chamber for inspection or decision as the case may be.

VIII. Privy Councillors, Heads of Departments or Commissions, or legislative draftsmen specially concerned with the subject matter of the bill may attend the Senate to represent the Cabinet for the purpose of stating the grounds of the bill.

IX. Any Principal Minister of State, Privy Councillor, or Head of a Department or Commission is privileged to attend

the Senate in order to express his views upon a bill under discussion, but he has no voice in the decision.

X. The Senate is empowered to request the attendance at the Chamber of any Principal Minister of State, Privy Councillor or Head of a Department or Commission.

XI. The Senate receives memorials relating to legislation.

XII. The Senate is opened and closed by command of the Emperor.

*I.W.M.*, 1881, pp. 791-92.

#### 4. STANDING REGULATIONS OF THE SENATE (GENRO-IN).

(Dec. 22, 1875.)

##### DUTIES OF THE PRESIDENT, VICE-PRESIDENT AND THE OFFICIAL CHIEFS.

I. The President, Vice-President and Official Chiefs shall, in order to give effect to the Constitution and Rules of the Chamber, conduct the business of the Chamber in accordance with the provisions of the following articles.

II. The President may himself form committees by nominating Senators to act upon them, or he may allow the Senators themselves to elect committees.

III. Should both the President and Vice-President be prevented from attendance through sickness or any other cause, application shall be made through the First Minister of State, to the Emperor for the appointment of a Vice-President *ad interim*.

IV. While the President is in the discharge of his functions in the Chamber as President, the Vice-President shall sit as an ordinary member. If the President be absent through illness or any other cause, or if, during a sitting he is desirous of taking his seat as an ordinary member for the purpose of expressing his own views, he shall call upon the Vice-President to take the chair.



V. In the vacancy of the Presidency, the Vice-President shall take the place of the President in all respects. If, in that case, the Vice-President shall, during a sitting, be desirous of taking his seat as an ordinary member for the purpose of expressing his own views, he shall appoint one of the Official Chiefs, or a Senator, as his substitute while he is speaking.

VI. The President shall be entitled to vote only when the opinions of the members are evenly divided.

VII. When the Official Chiefs are present at a sitting of the Chamber they shall take their seats among the ordinary members. If their regular duties require their attention the Official Chiefs may absent themselves from the sittings of the Chamber.

VIII. As the Official Chiefs have regular duties to perform, they shall not be nominated upon committees. Nevertheless they shall be entitled to attend committees, at any time, to state their views.

IX. It is within the competency of the Official Chiefs to transact the miscellaneous and financial business of the Chamber, so far as the same is governed by regulation or precedent.

X. In matters relating to the miscellaneous and financial business of the Chamber (as aforesaid), the Official Chiefs are authorised to correspond in their own names with the Chiefs of any Departments of the Government.

XI. It is the duty of the Official Chiefs to prepare in every fiscal year estimates of the expenditures of the Chamber for the ensuing year.

#### DERATES.

I. When a bill is sent down, the President shall cause it to be printed, and a copy of it shall be placed in the hands of every member of the Senate.

II. At the time of or after the distribution of a bill among the members, notice shall be sent them appointing the day fixed for taking the bill into consideration. Three clear days must elapse between the distribution of the copies of the bill and the day fixed for its consideration.

III. At the time appointed for the commencement of a sitting, the President, having first taken the Chair, shall call upon the members to take their seats, and thereupon the business of the sitting shall commence.

IV. If less than one-third of the whole number of the members be present at the sitting no business shall be done at that sitting.

V. The President shall, during the debate, exercise control over the members and prevent breaches of the rules or of order generally.

VI. During debate the President may, under any circumstances whatever, ring his bell and stop any member speaking.

VII. In debates in the Senate it is not permitted to advert to the character of any individual whether in praise or blame.

VIII. When a member is speaking other members shall keep silence, that his speech may be heard throughout the Chamber. The interruption of speeches by conversation or smoking is forbidden.

IX. After the Secretary has, by order of the President, read a bill at the table, a member who wishes to speak shall rise from his seat and call "Chair" to draw the attention of the President to his desire to speak. The President shall thereupon call the member's number that the Chamber may know who is about to speak. When two or more members rise to speak at the same time, the order in which they shall be called upon to speak is to be decided by the number of their seats.

X. During debate the personal name of the President must not be used, but he shall be called "President." The President in addressing a member, or one member in speaking of another, shall use only the number of the seat of the member indicated.

XI. If during debate an explanation of the bill before the Chamber is required, and questions have to be asked of the representatives of the Cabinet, the member requiring to put such questions must first obtain the President's permission; the representative in replying shall address himself to the Chair.

XII. If, while one member is speaking another member considers that his speech is beside the question, either as showing misapprehension of the bill itself, or from irrelevancy of the subject matter, the latter member may even in the course of such speech, attract the President's attention by calling "Question." The President shall thereupon stop the member speaking and allow the objecting member to state the grounds of his objection and afterwards allow the member speaking to reply. The President is then to decide whether the member speaking shall or shall not proceed with his speech.

XIII. After the debate upon a bill has been concluded, the President shall proceed to call upon the members to vote by means of "sitting or standing." Where a bill consists of a number of clauses, and a member objects to one or more of them, he may move amendments, and the President shall call upon the Chamber for a decision in the manner above provided.

XIV. If, during the debate upon a bill, it is decided to introduce into it additional clauses, etc., the question whether the drafts of such additional clauses shall be considered before or after the original bill shall be decided by the President as he shall think best.

XV. All questions in debate shall be decided according to the vote of a majority.

XVI. In the debate upon a bill every member shall have the right to give full expression to his views, and every member must vote in all cases.

XVII. While a member is present in the Chamber he must not leave his seat in consequence of adverse opinions being expressed or his own opinions being defeated.

If a member desires to place his opinion upon record, he may enter it upon the Record of the Senate kept for that purpose.

XVIII. A question once decided cannot be again be debated merely on account of the absence from the Chamber of any member or members while it was being considered.



XIX. A member who has once spoken on a bill shall not be allowed, during the course of the same debate, to speak again in a different sense. But this rule shall not apply to cases of amendments or reconsideration of a bill.

XX. Although a member is not allowed to speak upon a bill a second time in a sense different from that in which he has already spoken, nevertheless if the circumstances should render a change of opinion absolutely unavoidable, and a member accordingly wishes to speak a second time, he may state the grounds for his change of opinion to the President, who shall put the case before the Chamber, and, if the Chamber so rules it, the member shall be permitted to speak again. In such a case his former opinions shall be regarded as necessarily withdrawn.

XXI. A member, although having once spoken, shall, his opinion remaining unchanged, be allowed to speak again for the purpose of further explaining his views. But he can do so only when no other members are in possession of the floor.

XXII. No person not connected with the Senate may enter the Chamber during a debate without permission.

XXIII. When a bill is approved by the Senate, the President shall forward it to the Emperor, through the First Minister of State. He shall likewise do so when a bill is disapproved, at the same time setting forth the grounds of the Senate's disapproval.

#### AMENDMENT OF BILLS.

I. Every member shall be free to propose amendments.

II. The word "amendment" means (1) to revise, (2) to add to, (3) to separate or combine, (4) to transpose, or (5) to omit the substance, sentences, clause, or to change the language of a bill.

III. When the amendments proposed have been approved by the Chamber the President shall appoint a committee to draw up a draft amended bill.

IV. A member not on the committee for amendment may

propose a form of amendment and submit the same to the President ; the latter shall receive and hand it to the committee, who shall compare it with, and, so far as approved, embody it in their own draft.

V. The draft amended bill, when completed, shall be handed to the President, who shall cause it to be printed and have copies distributed to the members, notifying them at the same time of the day fixed for the second reading. He shall also send a copy to the Cabinet for the inspection of its representative. Should the latter disagree with the proposed amendments so submitted, he may prepare a statement setting forth his views on the subject and forward it to the President through the Cabinet. The representative may also either request a postponement of the sitting fixed to consider the amended bill, in order to allow him the necessary time for the preparation of the statement as aforesaid, or he may be present at the sitting to support the original bill without previously framing any such statement.

VI. Upon the second reading of a bill, the Secretary shall first read the original bill, clause by clause, and the draft amended bill, and afterwards the written statement, if any, of the representative of the Cabinet. The committee for amendment shall then state their views, and the representative of the Cabinet shall then state his views in support of the original bill, after which the Chamber shall proceed to decide upon the draft amended bill, clause by clause.

VII. When a bill has been finally amended and passed, a fair copy of it shall be made and forwarded by the President to the Emperor through the First Minister of State.

#### INSPECTION OF BILLS.

I. Bills for inspection do not require the decision of the Senate, which has accordingly no right to amend such bills. No committees need therefore be appointed, but the members

shall be summoned, and the bill shall be simply read out as a whole, and need not be considered clause by clause.

II. Notwithstanding, if any member shall move a resolution to the effect that such a bill is destructive of, or inconsistent with laws already in force, or that its provisions are inconsistent with one another, or that the bill is incomplete on the face of it, or obscure, the President shall put the question to the Chamber, and take a decision on it. If the Chamber decide in favor of the resolution, the President is empowered to state the grounds of such resolution to the First Minister of State and request that the bill be revised.

III. When a bill has passed inspection the President shall so report to the Emperor through the First Minister of State.

IV. When an Imperial Decree has been issued without the Senate's inspection, on account of its requiring immediate execution, a copy will, at the same time as the Decree is promulgated, be sent by the Cabinet to the Senate, and the proceedings regarding the inspection of such Decree by the Chamber shall be conducted as provided above.

*J.W.M.*, 1881, p. 792-93.

## 5. CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS OF THE PRIVY COUNCIL.<sup>1</sup>

(April 14, 1875.)

### CONSTITUTION.

A First Minister of State:—His function is to assist and advise the Emperor in all affairs of State, both legislative and executive.

1. The Constitution of the Privy Council was promulgated by Imp. Notification of the 14th April, 1875. During the five years following many changes were made, but the alterations were not always published. In the present translation provisions which were suspended have been omitted, and a statement of the existing arrangements [1880] interpolated in brackets.



A Second Minister and a Third Minister of State :—Their functions are to deliberate upon and settle all affairs of State. In the absence of the First Minister of State either of them may act in his behalf.

Privy Councillors :—An indeterminate number. Their functions are to participate in the discussion of all affairs of State.

(There are attached to the Privy Council Office, Chief Secretaries, Assistant Chief Secretaries, Secretaries, Assistant Secretaries :—Their functions are to prepare drafts of laws, official commissions and other important documents of like nature ; to receive and issue despatches from and to the various administrative Departments, and to conduct general business under the direction of the Principal Ministers of State or Privy Councillors in the bureaux and sections to which they may be severally attached. There is also a staff of Clerks and other subordinate officers.)

#### RULES FOR THE CONDUCT OF BUSINESS.

I. In the Privy Council the Emperor, assisted by the First Minister of State, and advised, after deliberation, by the Second and Third Ministers of State and the Privy Councillors, exercises supreme control over all affairs of State.

II. All affairs are divided into two classes, legislative and executive ; those of the former are to be sent down to the Senate for discussion.

III. All documents containing matters submitted for the Imperial decision or sanction must be in duplicate, an original and a copy, the former of which must bear the seals of the Ministers of State and the Privy Councillors.

IV. All enactments of Government, statutes, and Imperial commands, and all special ordinances shall be proclaimed by the First Minister of State at the command of the Emperor.

V. In the appointment, dismissal, promotion and degrading of officers of the second grade and above, the reports upon the matter shall be considered and the antecedents of the man

concerned shall be examined by the Privy Council, before being submitted for the decision of the Emperor.

(Besides the "Sections," the functions of which are detailed below, the Privy Council Office includes the following branches, viz:—Cabinet Secretariat, Bureau of Decorations, Board of Audit, Imperial Historiographer's Office, Board of Adjudication, and the Statistical Board. The functions of the Cabinet Secretariat, of the Board of Decorations, and of the Imperial Historiographer's Office are explained by their names. The Cabinet Secretariat conducts the business of the Privy Council itself as distinguished from that of the various Sections which have each their special staff of Secretaries, &c. The Board of Decorations is composed of a President who is an Officer of the first grade, a Vice-President of the second grade, and Councillors of the third grade, with a staff of Secretaries, Clerks, etc.

The Imperial Historiographer's Office consists of an Officer of the first grade and a staff of Secretaries and Clerks whose principal duties are to compile official chronicles of the State, and of the Imperial House. Of the other three their constitution is more elaborate and their functions of more political importance.)

*W.M.*, 1881, p. 731.

## 6. FUNCTIONS OF THE SIX SECTIONS OF THE PRIVY COUNCIL.

(Imp. Notif. No. 20, March 18, 1880.)

### 1. LEGISLATIVE SECTION.

The business of this Section is to draft laws, statutes and all kinds of regulations, as well as the revision of the same; also to supervise the working of the regulations relating to the constitution of the Government. Further, where the meaning of laws is doubtful, this Section expounds the intention of the legislature.

## 2. SECTION OF FINANCE.

The business of this Section is to superintend the working of the system under which business is conducted in relation to estimates and accounts of the annual revenue, expenditures, taxation, the receipt and disbursement of money or grain, the currency, the national debt, and other matters of the financial administration.

This Section also exercises a general superintendence over the administrative work of the branches of the Government specially concerned with matters here enumerated.

## 3. SECTION OF WAR.

The business of this Section is to superintend the working of the system under which business is conducted in relation to the military and naval forces of the empire.

This Section also exercises a general superintendence over the administrative work of the branches of the Government specially concerned with the matters here enumerated.

## 4. SECTION FOR HOME AFFAIRS.

The business of this Section is to superintend the working of the system under which business is conducted in relation to topography, police, means of transport, means of communication, education, relief of distress, public worship, the encouragement of industries, the increase of production, works, etc.

This Section also exercises a general superintendence over the administrative work of the branches of the Government specially concerned with the matters here enumerated.

## 5. SECTION OF JUSTICE.

The business of this Section is to superintend the working of the system under which the business is conducted in relation to the prerogative of pardon, judgments affecting the Government, and all matters relating to the administration of justice generally.



This Section also exercises a general superintendence over the administrative work of the branches of the Government specially concerned with matters here enumerated.

#### 6. SECTION OF FOREIGN AFFAIRS.

The business of this Section is to superintend the working of the system under which business is conducted in relation to foreign affairs.

This Section also exercises general supervision over the administrative work of the branches of the Government specially concerned with matters here enumerated.

*J.W.M.*, 1881, pp. 731-32.

### 7. ORGANISATION OF THE RESPECTIVE DEPARTMENTS OF STATE.

#### (1) CONSTITUTION<sup>1</sup> AND RULES FOR THE CONDUCT OF BUSINESS OF THE DEPARTMENT OF FOREIGN AFFAIRS.

(Imp. Notif. No. 60, Dec. 2, 1880.)

The Department of Foreign Affairs administers affairs relating to foreign intercourse, and exercises supervision over the diplomatic and consular services, and is charged generally with the maintenance of the empire.

#### CONSTITUTION.

The Minister :—He will exercise authority over the officials under his control, and will have general direction of all affairs assigned to his Department.

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1. The published Constitution of this Department differed from that of the other Departments in not establishing bureaux. The Department, however, was divided into bureaux, and these could not, after they were reconstructed in December, 1880, under the sanction of the Privy Council, be altered without that sanction. The arrangement continued, nevertheless, to differ from that of the other Departments in that the existence of these bureaux was never notified beyond the Department itself. There were five bureaux, viz. :—Correspondence (documentary), Examiners, Records, Miscellaneous Business, and Accountants; and two smaller offices, viz. :—the Secretariat and the Auditors.

With regard to the appointment, promotion and dismissal or degrading of officials under him, he will make recommendations (to the Privy Council) in the case of officials in or above the second grade, and will act independently in the case of those in the third grade or below.

He will sign and seal all Imperial despatches to all foreign Sovereigns or Rulers.

Should he consider it necessary that laws should be made or proclamations issued upon affairs connected with the special business of his Department, or that those already in force should be revised or supplemented, he may submit his views to the Privy Council.

He may be present at meetings of the Senate when the drafts of any laws, the execution of which would belong to his Department, are under consideration, and may state his views upon the merits of such laws.

Vice-Minister :—He will assist the Minister in the discharge of his duties. In the Minister's absence from office he may act in his stead.

Assistant Vice-Minister :—His functions are similar but secondary to those of the Vice-Minister.

Chief Secretaries, Assistant Chief Secretaries, Secretaries and Assistant Secretaries :—They will severally conduct business under the direction of the Minister.

Clerks of 1st to 10th classes :—They will attend to business in their several capacities.

Envoys Extraordinary and Ministers Plenipotentiary, Ministers Resident, *Chargés d'Affaires* :—They will reside in foreign countries, and under instructions from the Minister of Foreign Affairs, will conduct the diplomatic intercourse of the empire with foreign countries.

Consuls General, Consuls, and Vice-Consuls :—They will reside in foreign countries, and, under instructions from the Ministers of Foreign Affairs and Finance, there transact affairs connected with commerce, and afford protection to their nationals

residing in the countries to which they are severally appointed.

Secretaries of Legation :—They will act under the direction of the Envoys or other Ministers in the transaction of the general business of the Legations.

Clerks (of Legations or Consulates) :—They will attend to miscellaneous business under the direction of the Envoys or other Ministers, or Consular Officials.

#### RULES FOR THE CONDUCT OF BUSINESS.

In transacting the business of his Department in the matters mentioned below, the Minister shall submit his views to, and receive the sanction of the Privy Council before taking action, provided that all responsibility in the execution of both classes of business shall rest with the Minister.

The matters in respect of which previous sanction is necessary are as follows :—

I. Audiences of His Majesty and presentations, either officially or privately, of Foreign Ministers or other foreign personages.

II. Giving (special) instructions to officers engaged in foreign intercourse.

III. Matters relating to credentials and exequaturs.

IV. The establishment or abolition of Legations or Consulates abroad.

V. Sending abroad any officials under his control on business of the Department.

VI. The erection or purchase of buildings for Legations or Consulates in foreign countries.

VII. Recalling Ministers or Consuls, or dealing with applications from them to return home.

VIII. The establishment or abolition of bureaux in his Department, and the appointment and removal of the directors of the same.



IX.—Framing rules for the conduct of business in the Legations or Consulates, and in the bureaux of his Department.

X. Framing rules relating to persons going abroad.

XI. Issuing proclamations on matters connected with the duties of the Department.

XII. Entering into or terminating engagements with foreigners in the service of the Department or of Legations or Consulates abroad.

XIII. Introducing novel arrangements or deviating from existing rules.

*J.W.M.*, 1881, p. 1023.

(2) CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE DEPARTMENT OF HOME AFFAIRS.

(Imp. Notif. No. 60, Dec. 2, 1880.)

The Department for Home Affairs administers affairs relating to the internal tranquillity of the country and the protection of the people. The business is divided among and transacted by the following bureaux, viz :—Private Secretariat, Police, Topographical, Census, Public Worship, Engineering, Sanitary, Press, Miscellaneous Business, Accountants, Documentary, Examiners, and Prisons.

CONSTITUTION.

The Minister :—He will exercise authority over the officials under his control (and exercise supervision over Governors and Prefects), and will have general direction of all affairs assigned to his Department.

With regard to the appointment and dismissal, promotion and degrading of officials under him, as also of Shintō and Buddhist priests, he will make recommendations (to the Privy Council) in the case of those in and above the second grade, and will act independently in the case of those in the third grade

and below. (He will also be entitled to submit his views upon the appointment, etc. of local officials of the second grade.)<sup>1</sup>

Should he consider it necessary that laws should be made or proclamations issued upon affairs connected with the special business of his Department, or that those already in force should be revised or supplemented, he may submit his views to the Privy Council.

He may be present at the meetings of the Senate when the drafts of any laws, the execution of which would belong to his Department, are under consideration, and may state his views upon the merits of such laws.

(Here follow the titles and duties of the Vice and Assistant Vice-Minister, Secretaries and Clerks, which are identical with those in connection with the Department of Foreign Affairs.)

#### RULES FOR THE CONDUCT OF BUSINESS.

(At this point see the paragraph and parenthesis which stand as a preface to the corresponding section in the Rules for the Conduct of Business of the Department of Foreign Affairs).

- I. Revising the system of executive police.
- II. Sending abroad any officials under his control on business of the Department.
- III. The establishment or the abolition of bureaux in his Department, and the appointment or removal of directors of the same.
- IV. Framing rules for the conduct of business in the bureaux of his Department.
- V. Issuing proclamations upon matters connected with the duties of his Department.
- VI. Entering into or terminating engagements with foreigners in the service.

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1. The parentheses were added by Imperial Notification No. 67 of 1880.

VII. Introducing novel arrangements or deviating from existing rules.

*J.W.M.*, 1881, pp. 1023-24.

(3) CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE DEPARTMENT OF FINANCE.<sup>1</sup>

(Imp. Notif. No. 60, Dec. 2, 1880.)

The Finance Department administers the affairs relating to the national finance. The business is divided among and transacted by the following bureaux :—

Secretariat, Drafting, Inland Revenue, Customs, National Debt, Accountant General's, Mint, Government Printing, Storage of Grain, Record, Auditor General's, Bank Superintendent's, Accountants (the last named was added by Imperial Notification No. 57, 1881).

CONSTITUTION.

The Minister :—He will exercise authority over the officials under his control, and will have general direction of all affairs assigned to his Department.

With regard to the appointment and dismissal, promotion and degrading of officials under him, he will make recommendation (to the Privy Council) in the case of those in and above the second grade, and will act independently in the case of those in the third grade and below.

Should he consider it necessary that laws should be made or proclamations issued, upon matters connected with the special affairs of his Department, or that those already in force should be revised or supplemented, he may submit his views to the Privy Council.

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1. In the list of the Departments of State those of the Army and Navy follow that of Finance, but I have omitted the documents relating to these Departments.



He may be present at the meetings of the Senate when the drafts of any laws, the execution of which would belong to his Department, are under consideration, and may state his views upon the merits of such laws.

(For the functions of the Vice-Minister, Assistant Vice-Minister, Secretaries and Clerks, see the passage on those of the Department of Foreign Affairs.)

#### RULES FOR THE CONDUCT OF BUSINESS.

(See the introductory paragraph and parenthesis which preface the section corresponding to this one in the decree establishing the Department of Foreign Affairs.)

I. Sending abroad any official under his control on business of the Department.

II. The issue of current coin.

III. The issue or redemption of paper money.

IV. The organisation of the system of transmitting by means of drafts and making deposits of Government money.

V. The organisation of the system for the collection of the Inland and Customs Revenue in accordance with the laws and ordinances in force in that connection.

VII. The organisation of the system of dealing with the national debt in accordance with laws and orders in force in that connection.

VIII. The establishment or abolition of bureaux in his Department, and the appointment and removal of directors of the same.

IX. Framing rules for the conduct of business in the bureaux of his Department.

X. Issuing proclamations upon matters connected with the duties of his Department.

XI. The organisation of the system for the payment of salaries, travelling expenses and other personal charges in accordance with the rules obtaining in reference to the same.

XII. The organisation of the system regulating the reserve fund.

XIII. Entering into and terminating engagements with foreigners in the service.

XIV. Introducing novel arrangements or deviating from existing rules.

*J.W.M.*, 1881, pp. 1024-25.

(4) CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE DEPARTMENT OF EDUCATION.

(Imp. Notif. No. 65, Dec. 2, 1880.)

The Education Department administers the educational affairs of the whole country. The business is divided among and transacted by the following bureaux, viz. :—Government Schools and Colleges, Local Schools and Colleges, Compilation, Reports and Statistics, Accountants, and Private Secretariat. (The last mentioned was added by Imperial Notification No. 24 of 1881.)

CONSTITUTION.

The Minister :—He will exercise authority over the officials under his control and will have general direction of all affairs assigned to his Department.

With regard to the appointment and dismissal, promotion and degrading of officials under him, he will make recommendations (to the Privy Council) in the case of those in and above the second grade, and will act independently in the case of those in the third grade and below.

Should he consider it necessary that laws should be made or proclamations issued, upon affairs connected with the special business of his Department, or that those already in force should be revised or supplemented, he may submit his views (to the Privy Council).

He may be present at meetings of the Senate when drafts of any laws, the execution of which would belong to his Department, are under consideration, and may state his views upon the merits of such laws. (For the functions and duties of the Vice and Assistant Vice-Minister, Secretaries and Clerks, see the section on those of the Department of Foreign Affairs.)

#### RULES FOR THE CONDUCT OF BUSINESS.

(Insert as a preface to the following rules a paragraph and parenthesis similar to those which introduce the Rules for the Conduct of Business in the Department of Foreign Affairs.)

I. The establishment or abolition of government schools, kindergartens, libraries, museums, etc.

II. Sending abroad any officials or students under his control.

III. The establishment or abolition of bureaux in his Department, and the appointment or removal of directors of the same.

IV. Framing rules for the conduct of business in the bureaux of his Department.

V. Granting degrees and dignities (academic).

VI. Framing rules applicable to government-supported schools.

VII. Issuing proclamations upon matters connected with the duties of his Department.

VIII. Entering into and terminating engagements with foreigners in the service.

IX. Introducing novel arrangements or deviating from existing rules.

*J.W.M.*, 1881, p. 1025.



(5) CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE DEPARTMENT OF PUBLIC WORKS.

(Imp. Notif. No. 60, Dec. 2, 1880.)

The Public Works Department administers affairs relating to Public Works. The business is divided among and transacted by the following bureaux :—Mines, Railways, Light-houses, Telegraphs, Engineering and Manufacturing, Buildings, Accountants, Auditor's (abolished by Imp. Notif. 68 of 1881), Stores, and Secretariat.

CONSTITUTION.

The Minister :—He will exercise authority over the officials under his control, and will have general direction of all affairs assigned to his Department.

With regard to the appointment and dismissal, promotion and degrading of officials under him, he will make recommendations (to the Privy Council) in the case of those in and above the second grade, and will act independently with regard to those in and below the third grade.

Should he consider it necessary that laws should be made or proclamations issued upon affairs connected with the special business of his Department, or that those already in force should be revised or supplemented, he may submit his views to the Privy Council.

He may be present at meetings of the Senate when any drafts of laws the execution of which would belong to his department, are under consideration, and may state his views upon the merits of such laws.

(For the functions and duties of the Vice, Assistant Vice-Minister, Secretaries and Clerks, see section on those of the Department of Foreign Affairs.)

RULES FOR THE CONDUCT OF BUSINESS.

(See prefatory paragraph and parenthesis to the rules in connection with Department of Foreign Affairs.)

I. The establishment or abolition of railways, telegraphs, lighthouses, buoys, factories, and mining operations.

II. Changes in the route of telegraph lines, and the establishment, abolition or removal of telegraph offices.

III. Issuing proclamations upon matters connected with the duties of his Department.

IV. Sending abroad any of the officials or students under his control.

V. The establishment or abolition of bureaux in his Department, and the appointment or removal of the directors of the same.

VI. Framing rules for the conduct of business in the bureaux of his Department.

VII. Entering into and terminating engagements with foreigners in the service.

VIII. Introducing novel arrangements or deviating from existing rules.

*J.W.M.*, 1881, p. 1052.

#### (6) CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS OF THE DEPARTMENT OF JUSTICE.

(Imp. Notif. No. 63, Dec. 2, 1880.)

The Department administers affairs relating to the decision of law-suits and to the judicial police. The business is divided among and transacted by the following bureaux, viz :—Council, Criminal Matters, and Civil Matters.

#### CONSTITUTION.

The Minister :—He will have authority over the officials under his control, and will also supervise the action of the Judges, and have general direction of all affairs assigned to his Department.

With regard to the appointment and dismissal, the promotion and degrading of officials under him, as also of the Judges, he will make recommendations (to the Privy Council) in the case of those in and above the second grade, and will act independently in the case of those in the third grade and below.

He will give effect to every exercise of the prerogative of pardon.

Should he consider it necessary that laws should be made or proclamations issued upon affairs connected with the special business of his Department, or that those already in force should be revised or supplemented, he may submit his views to the Privy Council.

He may be present at meetings of the Senate when the drafts of any laws, the execution of which would belong to his Department, are under consideration, and may state his views on the merits of such laws.

(For the functions of the Vice and Assistant Vice-Minister, Secretaries, and Clerks see the section on those under the Department of Foreign Affairs.)

Procurators:—They are attached to all the Courts and will conduct criminal trials and public prosecutions under the direction of the Minister.

Assistant Procurators:—They will conduct such criminal trials and public prosecutions as may be assigned to them to conduct by the Procurators.

#### RULES FOR THE CONDUCT OF BUSINESS.

In transacting the business of his Department in the matters mentioned below, the Minister shall submit his views to, and receive the sanction of the Privy Council before taking action. In all matters not here mentioned the Minister may take independent action, provided that all responsibility in the execution of both classes of business will rest upon the Minister.

The matters in respect of which previous sanction is requisite are as follows:—



- I. Matters relating to judgments affecting the Government.
- II. The revision of laws relating to the judicial police.
- III. Framing rules relating to Courts of law.
- IV. Issuing proclamations on matters connected with the duties of his Department.
- V. Sending abroad any officials or students under him.
- VI. The establishment or abolition of Courts or Procurators' bureaux and the appointment or removal of the presidents of the former.
- VII. The establishment or abolition of the bureaux in his Department, and the appointment or removal of the directors of the same.
- VIII. Entering into or terminating engagements with foreigners in the service.
- X. Introducing novel arrangements or deviating from existing rules.

*J.W.M.*, 1881, pp. 1114-15.

(7) CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE DEPARTMENT OF THE IMPERIAL HOUSEHOLD.

(Imp. Notif. No. 60, Dec. 2, and 67, Dec. 28, 1880.)

The Imperial Household Department administers the affairs of the Imperial Household, and contains the Board of Ceremonies, which controls and conducts matters relating to public ceremonies.

CONSTITUTION.

The Minister :—He will exercise authority over the officials under his control, and will have general direction of all affairs assigned to his Department.

With regard to the appointment and dismissal, promotion and degrading of officials under him, he will make recommendations (to the Privy Council) in the case of those in and

above the second grade, and will act independently in the case of those in the third grade and below.

Should he consider it necessary that laws should be made or proclamations issued upon affairs connected with the special business of his Department, or that those already in existence should be revised or supplemented, he may submit his views to the Privy Council.

He may be present at meetings of the Senate when the drafts of any laws, the execution of which would belong to his Department, are under consideration, and may state his views on the merits of such laws. (For the functions of the Vice, Assistant Vice-Minister, Secretaries and Clerks, see text on the subject in connection with the Department of Foreign Affairs.) There are besides the above, in this Department, Imperial Preceptors of the first to third classes, Physicians of the first to fifth classes, Medical Officers, a Principal Chamberlain, Chamberlains and Assistant Chamberlains, Masters of the Imperial Stables, Ushers of the Imperial Household, a Principal Attendant on the Empress Dowager and an Assistant, and a Principal Attendant on the Empress and an Assistant. In the Board of Ceremonies, there are a Master of Ceremonies and Assistant Masters of Ceremonies, etc.

#### RULES FOR THE CONDUCT OF BUSINESS.

In transacting the business of the Department in the matters mentioned below, the Minister shall submit his views to and receive the sanction of the Privy Council before taking action. In all matters not here mentioned the Minister may take independent action, provided that all responsibility in the execution of both classes of business will rest upon the Minister.

The matters in respect of which previous sanction is requisite are as follows:—

- I. Deciding upon rites and ceremonies of a public nature.
- II. Framing rules relating to the Imperial burying-places.

III. Issuing proclamations upon matters connected with the duties of his Department.

IV. The establishment and abolition of boards and bureaux in his Department, and the appointment and dismissal of the directors of the same.

V. Framing rules for the conduct of business in the boards and bureaux of his Department.

VI. Introducing novel arrangements or deviating from existing rules.

*J.W.M.*, 1881, p. 1115.

(8) CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE COLONISATION COMMISSION (KAITAKUSHI).

(Imp. Notif. No. 60, Dec. 2, 1880.)

The Colonisation Commission administers affairs relating to the development of the Hokkaido.

CONSTITUTION

The Chief:—He will exercise authority over the officials under him and will have general direction of all affairs assigned to the Commission.

With regard to the appointment and dismissal, promotion and degrading of the officials under him, he will make recommendations (to the Privy Council) in the case of those of the second grade and above, and will act independently in the case of those in the third grade and below.

Should he consider it necessary that laws should be made or proclamations issued upon affairs connected with the special business of his Department, or that those already in force should be amended or supplemented, he may submit his views to the Privy Council.

He may be present at the meetings of the Senate when drafts of laws, the execution of which would belong to his



Department, are under consideration, and may state his views on the merits of such laws.

There are attached to this Commission a second official, whose functions and duties are analogous to those of the Vice-Minister of a Department, and a number of Secretaries and Clerks having similar ranks and performing similar duties to those of a Department.

#### RULES FOR THE CONDUCT OF BUSINESS.

In transacting the business of the Commission in matters mentioned below, the Chief shall submit his views to and receive the sanction of the Privy Council before taking action. In all matters not here mentioned the Chief may take independent action, provided that in the execution of both classes of business all responsibility will rest upon the Chief.

The matters in respect of which previous sanction is requisite are as follows :—

- I. Revising the names and limits of provinces and divisions.
- II. The construction of harbours, river navigation works, and canals.
- III. The establishment or abolition of lines of communication.
- IV. Deciding on lines of railway and telegraph communication, the places for locating lighthouses and buoys, and the working of mines.
- V. Issuing proclamations upon matters connected with the duties of the Commission.
- VI. The establishment, abolition and removal of branch-offices.
- VII. The establishment, abolition and removal of government-supported schools.
- VIII. Sending abroad any of the officials or students under his control.
- IX. Entering into and terminating engagements with foreigners in the service.

X. Introducing novel arrangements or deviating from existing rules.

*J.W.M.*, 1881, p. 1115.

S. CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE DEPARTMENT OF AGRICULTURE AND COMMERCE.<sup>1</sup>

(Imp. Notif. No. 25, April 7, 1881.)

CONSTITUTION.

The Minister (his functions are):—

I. To enforce and supervise the working of laws and orders in relation to agriculture, commerce, manufactures, arts, fisheries and hunting, mercantile-marine, inventions, trade-marks, weights and measures, reclamation of lands, cattle-breeding, zoology and botany, animal hygiene, mercantile companies, except banking, mining, railway, lighthouse, and telegraph companies (these latter added by No. 78 of 1881), forests and conveyances.

II. To exercise control over all schools of agriculture, commerce and manufactures, and other institutions established by the Government (with the exception of engineering schools under the Public Works Department), and all museums (hitherto belonging to the Department of Home Affairs), and to supervise all schools for similar purposes established by private persons.

III. To have control over all chambers of commerce, and all deliberative bodies concerned with agriculture and manufactures, and over rice and stock-exchanges.

IV. To administer affairs relating to the advancement and encouragement of agriculture, commerce and manufactures by means of exhibitions, competitive exhibitions, the preservation of objects of interest, the improvement of systems of agriculture and commerce, and of the methods of manufactures and the

1. A new Department of the Government erected by a single piece of legislation.

removal of obstacles to their development, the improvement of the implements and mechanical appliances used and experiments in connection with these, and the application of the results of geological surveys, etc.

V. To control the actions of the Post-Master General and his assistants and generally to direct all affairs relating to public conveyances, mails, the post-office money-order system, and the post-office savings-banks.

VI. To exercise control over government forests and administer all affairs in relation to their maintenance, and the planting and felling of trees therein, and to supervise the management of private forests and the method of planting and felling trees therein.

VII. To collect for use in the compilation of general statistics documents relating to the state of agriculture, commerce and manufactures, the increase or decrease of postal business, the fluctuations of market-prices, the condition of domestic and foreign trade, and of forests, etc.

VIII. With regard to the appointment and dismissal, promotion and degrading of officials under him, he will make recommendations (to the Privy Council) in the case of officers in and above the second grade, and will act independently in the case of officers below that grade.

IX. He shall have power to issue orders and instructions to local officers in regard to affairs assigned to his Department.

X. He shall apply (to the Privy Council) in case of the appointment or removal of directors of the bureaux in his Department; he may however himself appoint officers of his Department to the head or on the staff of sub-offices. In establishing sub-offices within bureaux, or sub-sections within sub-offices, or in framing or revising rules for the conduct of business in the bureaux of his Department, or in issuing proclamations to the public upon affairs connected with his Department, he must previously apply to and receive the sanction of the Privy Council.



XI. Should he consider it necessary that laws should be made on affairs connected with the special business of his Department, or that those already in force should be revised or supplemented, he may submit his views to the Privy Council.

XII. He may despatch to or order to reside in the interior officers of his Department of the second grade and below, provided that in despatching abroad the officers above named and in entering into and terminating engagements with foreigners in the service he must previously apply for, and receive the sanction of the Privy Council.

XIII. He may be present at meetings of the Senate when the drafts of any laws or the revisions thereof, the execution of which would belong to his Department, are under consideration and may state his views thereon.

(For the functions and duties of the Vice, Assistant Vice-Minister, Secretaries and Clerks, see the section on those of the Department of Foreign Affairs.)

#### RULES FOR THE CONDUCT OF BUSINESS.

I. The business assigned to the Minister of Agriculture and Commerce is to be divided among and transacted or considered respectively by the following bureaux and boards:—Secretariat, Agriculture, Commerce, Manufactures, Forests, General Post-Office, Museums, Accountants, and the High Deliberative Board of Agriculture, Commerce and Manufactures.

II. The Secretariat is to conduct the office work of the Minister and Vice-Ministers, to take charge of official seals, to conduct official correspondence, and to conduct all matters relating to the staff (throughout the Department) and to the compilation of archives, and all such other business as is not connected with the special duties of other bureaux.

III. The Bureau of Agriculture is to conduct business in relation to the encouragement of agriculture, fisheries and hunting, the reclamation of land, geological surveys, agricultural schools and other institutions, and the collection of documents

relating to agriculture, statistics, and all business connected with deliberative bodies concerned with agriculture.

IV. The Bureau of Commerce is to conduct business in relation to the encouragement of commerce, mercantile companies, weights and measures, mercantile-marine, and the collection of documents relating to commercial statistics, and all business connected with chambers of commerce.

V. The Bureau of Manufactures is to conduct business relating to the encouragement of manufactures, patents for inventions, trade-marks, technical schools and other institutions, and the collection of documents relating to manufacturing statistics, and all business connected with deliberative bodies concerned with manufactures and arts.

VI. The Forests Bureau is to conduct all business relating to forests, such as the maintenance, planting and felling of trees, etc. in the government forests as well as those owned by private individuals.

VII. The Museums Bureau is to conduct business in relation to the preservation of antiquarian articles and the encouragement of fine arts, and to take charge of museums.

VIII. The General Post-Office is to conduct all business relating to conveyances, mails, the post-office-order system, and the post-office savings-banks.

IX. The Accountants' Bureau is to conduct all monetary business, such as keeping the accounts of the expenditures of the various Bureaux, the purchase and distribution of articles used by them, etc.

X. The High Deliberative Board of Agriculture, Commerce and Manufactures shall hold meetings at the order of the Minister of Agriculture and Commerce, at fixed periods, or on special occasions; it shall deliberate upon matters submitted to it either by the Privy Council or the Minister in connection with agriculture, commerce and manufactures. The members shall be previously appointed by the Privy Council, and the Minister of Agriculture and Commerce shall be the President.

XI. Any Privy Councillor or the Chief of any Department or Commission whose duties may be specially connected with the subject matter in debate may be present personally or by representative at the sittings of the Board, in order to state his views.

XII. Members of the High Deliberative Board of Agriculture, Commerce and Manufactures shall when appointed be assigned to any one of the three sections of the Board, and it will be within the power of the Minister to convene meetings of any one section only of the Board, or of all three sections at a time.

XIII. Clerks of the High Deliberative Board of Agriculture, Commerce and Manufactures shall be appointed by the Minister of Agriculture and Commerce.

XIV. The nature of the matters to be submitted to the High Deliberative Board of Agriculture, Commerce and Manufactures and the method of selecting the members thereof, as well as other detailed rules, shall be promulgated by separate notification.

*J.W.M.*, 1881, pp. 1051-52.

#### 9. THE HIGH DELIBERATIVE BOARD OF AGRICULTURE, COMMERCE AND MANUFACTURES.

(Imp. Notif. No. 44, 1881.)

I. All matters relating to Commercial Treaties (with foreign nations), Customs Duties, Commercial Laws (especially drafts of laws having reference to contracts between artisans and their apprentices, trade-marks, patents, mercantile companies, mercantile-marine), forest laws, land and sea transport, construction of roads, rivers, and canals, repairs of harbours and roadsteads, engineering works properly chargeable upon local taxation if a grant in aid is sought from the national treasury, expenses or otherwise of the postal and telegraph system, erection of light-



houses, the compilation of statistics, and investigations into the condition of agriculture, commerce and manufactures, establishment of agricultural, commercial and manufacturing schools and other institutions, industrial museums, and the method of improving fine arts, shall be first submitted by the office concerned for the consideration of the High Deliberative Board of Agriculture, Commerce and Manufactures; other matters that may be submitted or indicated by the Privy Council or the Department of Agriculture and Commerce shall be deliberated upon or investigated by the Board.

II. The members of the Board shall be chosen from among the officials of the Privy Council, Departments, Senate, and Imperial Commissions. The Minister of Agriculture and Commerce is empowered to summon occasionally representatives of the Local Consultative Boards of Agriculture, Commerce and Manufactures, and of the Joint Divisional and District Deliberative Assemblies of Agriculture, Commerce and Manufactures, to sit as members of the Board. The Directors of the three bureaux, viz., of Agriculture, Commerce and Manufactures, of the Department of Agriculture and Commerce shall be *ex officio* members of the Board.

III. The term of service of the members of the Board shall be three years, at the expiration of which time they may be reappointed.

*J.W.M.*, 1881, p. 1052.

#### 10. CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS OF THE BOARD OF ADJUDICATION.<sup>1</sup>

(Imp. Notif. No. 6, Feb. 14, 1881.)

It is hereby notified that a Board of Adjudication has

1. This Board was established to relieve the Home Minister not so much from too great a press of work as from the abuse he was wont to receive in connection with certain decisions which he had to make. The first meeting of the Board was held on May 27, 1881, H. E. Yamada presiding, and the case heard was the Governor vs. the Assembly of Wairayama Ken, a dispute over the salaries to be paid to the Magistrates of Divisions (Gun).

been established in the Privy Council, and the following rules for regulating the conduct of business therein and for other matters have been made. The Fu and Ken Assemblies should be notified thereof.

I. The Board of Adjudication is for the adjustment of matters submitted for its decision by Governors or Prefects on the one side, and by Fu or Ken Assemblies on the other, in accordance with the provisions of the clause added, by Imperial Decree No. 4 (of 1884) to Article IX of the "Regulations relating to Fu and Ken Assemblies." The members of the Board who will be specially appointed for each occasion shall consist of the following officers, viz :—

One Privy Councillor as President, two Senators, two Judges of the Supreme Court, and two or more Secretaries of the Privy Council as members.

II. A permanent officer shall be appointed to the Board to transact its miscellaneous business.

III. All documents concerning matters upon which the decision of the Board is sought must be signed and sealed by the Governor or Prefect on the one side, and the President of the Assembly concerned on the other; they should then be collected together and forwarded addressed to the Officer of the Board.

IV. If the documents do not sufficiently set forth the matters requiring adjudication, the Governor or Prefect personally or by deputy, and the Assembly by deputy, may either attend the Board of their own motion to state their case, or be summoned by the Board to be there interrogated, provided that no person not a member of the Assembly may appear to represent it.

V. All questions before the Board shall be decided by a majority of votes. When the votes are equal the President shall have the deciding vote.

VI. Every decision of the Board shall state fully the grounds upon which it is based, and the document containing it

shall be signed and sealed by the President and members of the Board before being issued.

*J.W.M.*, 1881, pp. 732-33.

## II. CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS OF THE BOARD OF AUDIT.<sup>1</sup>

(Imp. Notif. No. 35, April 28, 1881.)

### CONSTITUTION.

**President** :—An officer of the 2nd class. He will exercise authority over the officials of the Board, and will have general direction of all affairs entrusted to the Board.

With regard to the appointment and dismissal, promotion and degrading of officials under him, he will make recommendations (to the Privy Council) in the case of officials in the second grade and above, and will act independently in the case of those in the third grade and below.

**Vice-President** :—An officer of the 3rd class. His functions are similar, but secondary, to those of the President.

The above are the officers of the first grade.

**Audit Commissioners of four classes** :—They will conduct all business in relation to the supervision of the system of the receipt and issue of Government money and stores, and of the management of Government property, and in relation to the estimates and definitive accounts of the national revenue and expenditure; they will also prepare drafts of decisions for the administrative punishment of the officials engaged in financial business.

The number of these Commissioners is fixed at ten.

**Chief or Assistant Chief Secretaries, Secretaries or Assistant**

1. As a result of the shake up of the Government which ensued upon Count Okuma's resignation from the Finance Department in October, 1881, Mr. Iwamura Michitoshi, formerly a Senator, became head of the Board of Audit.



Secretaries :—They will conduct the private office work as well as the miscellaneous and financial business of the Board, and will also keep the archives of the Board.

The number of the officials is fixed at two, and they may be of any of the four above-mentioned secretarial classes.

The above officers are of the second grade.

Assistant Auditors of classes corresponding to the eighth to seventeenth classes of officials generally :—They will act under the direction of the Audit-Commissioners and be occupied in auditing accounts. In the absence of the Audit-Commissioner, an Assistant-Auditor may act in his stead.

The number of these officials is fixed at seventy-five clerks of classes corresponding to the eighth to seventeenth classes of officials generally.

They will act under the direction of the Secretaries and do clerical and accountants' business.

#### RULES FOR THE CONDUCT OF BUSINESS.

The duties of the Board of Audit are :—

I. To examine and supervise the annual accounts of the Government, and to secure the uniform enforcement of the financial laws and regulations.

II. It will examine the estimates of the annual revenue and expenditure, and report thereon to the Cabinet.

III. It will supervise the receipt and issue of Government money and stores, and the management of Government property.

IV. If, upon an audit being completed, it appears necessary that an investigation should be made into the undertaking in respect of which the audit was held, the Board may direct the investigation to be made and report thereon to the Cabinet.

V. When a definitive account of the revenue and expenditure of the Treasury or any Office of State shall have been audited and passed, the Board will certify to that effect to the officer submitting the account.

VI. Such certificate shall be final, provided that, should it be disapproved by the Cabinet, the latter may direct a re-audit by the Board, or by a committee specially appointed by itself for the purpose.

VII. The Board will furnish an annual statement of the definitive accounts of the national revenue and expenditures, as well as of all matters transacted by itself during the year.

VIII. It will submit to the Cabinet its views upon the enactment or revision of laws and regulations relating to finance, and of rules for the conduct of its own business.

IX. It will furnish to Government Offices explanations of points in the financial laws and regulations, upon which the latter may entertain doubts.

X. Should any finance-officer deviate from the finance laws and regulations, the Board will prepare a draft decision for the administrative punishment of the offender and forward the same to the Cabinet, if the offender be an official of or above the second grade, and to the Chief of the Office to which the offender may belong, if he belongs to the third grade or below, provided that, if the offence be one distinctly provided for in the Criminal Code, the Board shall simply forward a report of the case to the Procurator.

XI. It will inspect the estimates and definitive accounts of the receipts and expenditures of the local taxes.

XII. All documents issued by the Board shall bear the President's name, and certificates for definitive accounts as well as drafts of decisions for administrative punishment shall also be signed by the Audit-Commissioner or Commissioners through whose hands the same shall have passed.

*J.W.M.*, 1881, p. 732.

12. CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE BOARD OF STATISTICS.

(Imp. Notif. No. 49, May 30, 1881.)

CONSTITUTION.

President :—The office to be held by a Privy Councillor. He shall be responsible for the execution of matters enumerated in the Rules for the Conduct of Business.

He may make recommendations to the Privy Council in respect of the appointment or dismissal of officials of the Board in or above the second grade, and of the Statistical Commissioners.

He may appoint or dismiss officials of the Board in or below the third grade.

He may despatch the officials of the Board to any part of the empire.

He may summon all or some only of the Statistical Commissioners to the meetings.

Official Chief.—An officer of the fourth class.

He will assist the President in the execution of his duties, and shall be entitled to act for him in his absence.

Chief and Assistant Chief Secretaries, Secretaries and Assistant Secretaries :—They will act under the direction of the President and divide amongst them the business of the Board.

Statistical Commissioners.—Office to be filled by officials of the second grade, belonging to such of the Government offices as have to do with statistics.

They shall answer enquiries put to them by the President, and will generally assist him in promoting the efficiency of the system of compiling statistics.

Clerks.—They will act under the orders of the superior officers and attend to miscellaneous business.

RULES FOR THE CONDUCT OF BUSINESS OF THE BOARD.

The duties of the Board are :—



I. To compile and publish statistics of political and other matters.

II. To demonstrate statistically the effects of political and other causes.

III. To determine the forms in which statistics are to be prepared.

IV. To collect from all Government offices and other sources materials for compiling statistical tables.

V. To determine the form in which reports made to the Board from Government offices or from other sources are to be drawn up.

VI. To fix the time in which reports and materials for statistics are to be made and collected.

VII. To collect and preserve books and documents, both old and new, relating to statistics.

VIII. To decide as to the description of matters upon which statistics are to be compiled by the various offices of the Government, and to order a revision (when necessary) of the forms of statistical tables or of other documents relating to statistics to be prepared by such offices.

*J.W.M.*, 1881, p. 733.

### 13. CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS OF THE SANJI-IN.<sup>1</sup>

It is hereby notified that the Sanji-in is henceforth constituted as a Bureau of the Privy Council. The rules having reference to its constitution and functions are as follows :—

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1. The Sanji-in was a Bureau of the Privy Council, taking the place of the formerly existing six sections (Imp. Notif. No. 20, March 18, 1880) of the Privy Council. Its chief members were Ito Hirobumi, President, Tanaka Fujimaro, previously Minister of Education, Vice-President, and Yamano Yoso, previously Minister of Public Works, and thirteen members of the Privy Council. The Sanji-in was created in October, 1881, and was abolished by Imp. Notif. No. 71, Dec. 22, 1885.

## CONSTITUTION.

President—An officer of the first class.

Vice-President—An officer of the first class.

Members, an indefinite number—Officers of the first class.

Assistant Members, an indefinite number—Officers of the fourth to seventh classes.

Extra Assistant Members, an indefinite number—Some of the Secretaries of every Department will be appointed to this office in addition to their ordinary duties. Their classes will not be changed on appointment.

Secretaries, an indefinite number—To be selected from the Assistant Members. Their classes to depend on their principal functions.

Assistant Secretaries, an indefinite number—From the eighth to the seventeenth classes.

## RULES FOR THE CONDUCT OF BUSINESS.

I. The Sanji-in will be a Bureau of the Privy Council, and under instructions from that body will assist in the drafting of laws and regulations.

II. The Officers of the Sanji-in are :—One President, one Vice-President, Members, Assistant Members, and Extra Assistant Members.

III. The President will select and appoint from among the members six Chiefs to manage the affairs of the various sections.

IV. The Assistant Members, acting in their respective sections, will draft bills and attend meetings to explain the principles of the bills.

V. Extra Assistant Members will be appointed from the various Departments of State to the Secretariat, and will be requested only to attend meetings when questions referring to their principal functions are being discussed.

VI. Secretaries will be appointed from among the Assistant

Members and will manage the business of the President's Private Secretariat.

VII. The functions of the Sanji-in are as follows :—

1. To draft laws and regulations, whether proposed by the Bureau or by direction of the Privy Council, and to present the same to the Privy Council with covering explanations.

2. To examine the drafts of laws or regulations presented by the various Departments of State, and to lay the same before the Privy Council with such amendments or explanations as may seem expedient.

3. To examine bills submitted by the Senate, and if necessary return them for reconsideration by that body after consultation with and by the order of the Privy Council, or if so directed by the Privy Council, to appoint a committee for the purpose of consulting with the Senate.

4. To examine, and return to the Privy Council with remarks, documents originally emanating from the various Departments, Bureaux, Prefectures, Cities, etc., and submitted to the Sanji-in by the Privy Council.

5. To examine the annual and other reports forwarded by the various Departments.

VIII. In addition to the above the Sanji-in will perform the following functions.

1. It will adjudicate in disputes between executive and judicial officials with regard to their powers, or between Local Assemblies and Local Officials as to the laws or their application.

2. To furnish whatever information may be from time to time required by Departments, Bureaux, Prefectures, Cities, etc.

IX. It shall be competent for the Privy Council to summon the members of the Sanji-in and require them to expound their respective views on any question.

X. It shall be competent for the Privy Council to appoint, from among the members of the Sanji-in, a committee to attend the sessions of the Senate and explain the purport, etc. of bills.

XI. To perform the functions enumerated below a Private Secretariat and six sections shall be appointed in the Sanji-in.



A Private Secretariat, to conduct the general business of the Sanji-in, and be the custodian of its archives.

A section for foreign affairs (diplomatic).

A section for home affairs (domestic, industrial, engineering and educational).

A military section for the conduct of military and naval affairs.

A section of finance for the conduct of affairs relating to the annual revenue and expenditure, national debt, currency, and taxes.

A section of justice for the conduct of affairs relating to the remission or mitigation of criminal sentences, and to the duties and powers of the judiciary.

A legislative section for the conduct of affairs relating to the civil code, code of claims, commercial and criminal codes and the code of criminal procedure.

XII. The meetings of the Sanji-in shall be of two kinds, viz., general and sectional, the latter to be attended by members and assistant members of one or more sections according as the bills to be considered refer to one or more sections, the former to be attended by the members and assistant members of all the sections.

XIII. At the general meetings will be discussed laws relating to foreigners and the drafts of foreign treaties, or those matters referred to in Section 2, Article VIII. A general meeting may also be convened for the discussion of any other matters which the President deems sufficiently important.

XIV. Should the President discover any objectionable points in a bill passed by a sectional meeting, he will submit the points to a general meeting.

XV. At a general meeting the Vice-President will preside in the event of the President's absence. When both these officers are absent, the President will nominate some one to take his place.

XVI. At a sectional meeting when the Chief of the section is absent, he shall nominate someone to take his place.

XVII. The President or acting President shall have a casting vote.

XVIII. Members of the Privy Council may attend and state their views at either a general or sectional meeting.

XIX. Bills passed at a general meeting shall be submitted to the Privy Council by the President, but those that have not been passed by a general, but only by a sectional meeting, shall be sent to the Private Secretariat, and thence, after examination, forwarded to the Privy Council in the name of the President.

XX. The Secretaries of the Private Secretariat shall be held responsible for any misconstruction of the import of a document submitted to them respectively.

*J.W.M.*, 1881, pp. 1218-19,

14. IMPERIAL DECREE<sup>1</sup> PROMISING THE ESTABLISHMENT OF A PARLIAMENT.

(Oct. 12, 1881.)

We, sitting on the Throne which has been occupied by Our dynasty for over 2500 years, and now exercising in Our name and right all authority and power transmitted to us by Our ancestors, have long had in view gradually to establish a constitutional form of government, to the end that Our successors on the Throne may be provided with a rule for their guidance.

It was with this object in view that in the 8th year of Meiji We established the Senate, and in the 11th year of Meiji authorised the formation of Local Assemblies, thus laying the foundation for the gradual reforms which We contemplated. These Our acts must convince you, Our subjects, of Our determination in this respect from the beginning.

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1. To be fully understood this Decree it must be read in the closest connection with the incidents of the second half of the year 1881, especially the affair of the Kaitakushi, and Okuma's resignation from the Cabinet.

Systems of government differ in different countries, but sudden and unusual changes cannot be made without great inconvenience.

Our ancestors in Heaven watch Our acts, and We recognise Our responsibility to them for the faithful discharge of Our high duties, in accordance with the principles, and the perpetual increase of the glory, they have bequeathed to Us.

We therefore hereby declare that We shall, in the 23rd year of Meiji, establish a Parliament, in order to carry into full effect the determination We have announced, and We charge Our faithful subjects bearing Our commissions to make, in the mean time, all necessary preparations to that end.

With regard to the limitations upon the Imperial prerogative, and the constitution of the Parliament, We shall decide hereafter and make proclamation in due time.

We perceive that the tendency of Our people is to advance too rapidly, and without that thought and consideration which alone can make progress enduring, and We warn Our subjects, high and low, to be mindful of Our will, and that those who may advocate sudden and violent changes, thus disturbing the peace of Our realm, will fall under Our displeasure.

We expressly proclaim this to Our subjects.

*J.V.M.*, 1581, p. 1199.

# 15. ITO APPOINTED MINISTER OF THE IMPERIAL HOUSEHOLD DEPARTMENT.<sup>1</sup>

(Notif. Extraordinary, Mar. 21, 1883.)

Ito Hirobumi, Privy Councillor, of the Fourth Grade of the

1. The explanation of Ito's appointment to an office hitherto held only by Nobles of royal blood is to be found in the creation of a bureau in the Imperial Household Department for the study of constitutional and administrative reforms (*Seido Tori-shirabe-Kyoku*), of which bureau Ito was President. The erection of this bureau in the Imperial Household Department is interesting as foreshadowing the method by which the Constitution was to be drafted, as well as exemplifying the principle that changes in the national polity must be carried out in the closest possible connection with the personal will of the Emperor.



First Order of Merit, has been appointed Minister of the Imperial Household.

Tokudaiji Sanenori, Minister of the Imperial Household, of the Second Grade of the First Order of Merit, has been appointed Senior Chamberlain.

*J.W.M.*, 1884, p. 309.

# 16. IMPERIAL RESCRIPT ADDRESSED TO THE NEW NOBILITY.

(July 6, 1884.)

The high-born descendants of illustrious ancestors, who have achieved great and noble deeds, are the lustre of the State, and I recognise that it is fitting that especial honor should be conferred upon them, in token of the consideration in which I hold them.

It is no less fitting that particular honor should be shown to those civil and military officers who have signalised themselves while supporting me in the restoration of my rule, and that similar distinctions should be conferred upon them likewise.

For these reasons I hereby decree the establishment of Five Orders of Nobility<sup>1</sup> in my Empire, that I may manifest my recognition of eminent services to the State.

1. The total number of the patents of Nobility created at this time was 500, distributed among the five ranks as follows:—

- (1) In the rank of Prince, 12, viz., six Princes of the old nobility, the Sekke (Kuge of the First class) and the House of Tokugawa, in the direct line of descent from Iyeyasu; six Princes of new creation, the Houses of Shimadzu (Satsuma) and Mori (Choshu), and of their Excellencies Sanjo and Iwakura.
- (2) In the Rank of Marquis, 24, viz., twenty-one Houses of the old Nobility, and three of new creation, the Houses of their Excellencies Kido, Okubo, and Nakayama Tadayoshi.
- (3) In the rank of Count, 74, viz., sixty Houses of the old Nobility, and fourteen of new creation, the Houses of Their Excellencies Hirotsawa, Higashikaze, Oki, Yamagata, Ito, Saigo, Kuroda, Inouye, Yamada, Matsukata Oyama, Kawamura, Sasaki, and Terashima.
- (4) In the Rank of Viscount, 321, viz., three hundred and nine Houses of the old Nobility, and twelve of new creation, the Houses of their Excellencies Fukuoka, Generals Tani, Miura, Miyoshi, Torio, Soga, Nodzu, Kobayama, and Admirals Nerai, Nakamura, Ito, and Takashima.
- (5) In the Rank of Baron, 69, viz., sixty-nine Houses of the old Nobility.

For a complete list of the Nobility *vide* the *J. W. M.*, August 2, 1884, pp. 117-122.

I await from you, My Lords, unrelaxing fidelity, and I wish for you that the honors bestowed upon you may descend to a long line of posterity.

*J.W.M.*, July 12, 1884, p. 32.

### 18. THE REHABILITATION OF THE NOBILITY.<sup>1</sup>

(Notif. of the Imp. Household Department, July 6, 1884.)

I. All titles of Nobility of every grade shall be conferred by nomination of His Imperial Majesty the Emperor endorsed by the Minister of the Imperial Household.

II. The Peerage shall consist of Princes, Marquises, Counts, Viscounts, and Barons.

III. These titles shall be hereditary, descending to the eldest of the legitimate male children, females being debarred from inheriting them.

However, should it happen that the present head of a Noble house is a female, and a male is constituted the future heir of the said house, she may forward to the Minister of the Imperial Household, a petition endorsed by the relatives of the family who are themselves Nobles, that the title be conferred upon the constituted heir.

IV. In case of the death of any person holding any of the above titles, or being the head of his house, so that no male heir is left, the title expires with him.

V. The wife of any person upon whom any of the above titles has been conferred or fallen, shall be entitled to the same distinctions and title as her husband.

VI. Grand-parents, parents, wives, the eldest legitimate son and grandson of a Noble, shall be entitled to the honors of Nobility, together with their wives.

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1. The reestablishment of the Nobility may be regarded as an indication of the form which the Parliament of 1890 was to assume, as well as a definite statement that all thoughts of a democracy upon republican lines had been abandoned.

VII. No one holding any of the above titles can during his life-time relinquish it to his successor.<sup>1</sup>

VIII. All matters connected with the civil registry of Nobles and with their ranks, shall be under the control of the Minister of the Imperial Household.

IX. Whenever a Noble or any relative of his contemplates marriage or adoption, it is required that the sanction thereto be first obtained from the Minister of the Imperial Household.

X. Every member of the Nobility is obliged to provide a suitable education for every one of his relatives.

*J.W.M.*, July 12, 1884, p. 32.

### 3.—ORGANISATION OF THE CENTRAL GOVERNMENT, 1885-1889.

#### 1. MEMORIAL OF THE PRIME MINISTER.

Your servant, having been appointed to a position of high dignity, has laboured anxiously night and day to fulfill his obligations to Your Majesty. On a previous occasion<sup>2</sup> he received Your Majesty's commands to revise the administration, and by the exercise of loyal instincts, feeble as they were, he was fortunately able to perform this duty to Your Majesty's satisfaction.

It appears to Your servant that in the work of administration much still remains to be accomplished, and if the task of restoring the monarchy, on a constitutional basis, is to be successfully achieved, this cannot be done by working on the imperfect lines of past precedent.

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1. However this provision did not apply in cases in which the Emperor ordered the transmission of the title to the successor, which might occur in consequence of deprivation of the title, on account of some criminality, as a matter of punishment, or when degrading had been decreed.

2. Probably in 1875 when the Sa-in and U-in were abolished and the Gen-ro-in and Daishin-in were created.



At the time of the restoration Your Majesty was young, and circumstances necessitated the selection of Your servant for the post in which he presided over Your Majesty's Government. Under the Constitution established in the period of *Tai-hō* (701-704 A.D.), which was formed on the model of the Chinese Shang-shu-shang (Presidential Board and Council of State), the Council of State had the superintendence of the eight Public Departments, the control of which was divided between the Ministers of the Left and the Right, and the work of administration was carried on by these Departments under the direct supervision of the Council of State. When in the second year of Meiji (1868) a new system of government was introduced, under which six Departments of State were created, these Departments were, in accordance with the *Tai-hō* constitution, placed under the direct authority of the Council of State, and became subordinate branches of the Administration. From this time forward the Government has been conducted under the express rule that the various Public Departments were to apply to and receive their instructions from the Council of State. It was necessary for all the memorials to the Throne to pass through the Council of State, and all correspondence between the latter and the Public Departments was conducted on the same footing as between these Departments and their subordinate bureaux.

This system, although suited as a temporary expedient to the exigencies of the time, is opposed to the principle of personal government by Your Majesty; it has tended moreover to lessen unduly the responsibilities of the Ministers of Departments, and has caused obstruction in the public business.

But now that Your Majesty with daily increasing benevolence is pleased to superintend directly the government of the country, to preside in person over the deliberations of Your Cabinet, and summoning the various Ministers of State, to receive personally from them reports on all affairs, both civil and military; and in view, moreover, of the fact that the exceedingly complicated

character of home and foreign affairs necessitates an extension of the administrative system, and a wise economy in financial matters, and that several important questions press for immediate treatment, it is necessary that the exigencies of the situation should be carefully considered, and that a new departure should be made.

With this end in view it appears desirable to Your servant that the system under which the Council of State exercises direct control over the various Public Departments should be revised ; that the various functions of the Council of State should be abolished ; that the Cabinet should be made a supreme Council of Ministers with authority to communicate directly with Your Majesty ; that in every detail of administration the easy and prompt despatch of business should be made the chief consideration ; and that the various Ministers of State should, in the Cabinet, take part in the general administration of the country, and outside the Cabinet, attend to their several Departments ; in a word, that they should serve as the hands and feet, the ears and eyes of Your Majesty. It appears desirable, moreover, that one of these Ministers should be specially selected to receive and promulgate Your Majesty's commands on all affairs of State, whether foreign or domestic, in order that the administration, as a whole, may work with even uniformity, and the various Departments of State be in complete accord with one another.

This was the simple and practical form of Government of Your Majesty's ancestors, and it embodied both the principle of the personal administration of Your Majesty, and the principles of constitutional government.<sup>1</sup>

If the administrative system be expanded in this manner ; if the Ministers of the various Public Departments are made alike

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1. "Constitutional government," as the phrase is used in this document, is not to be understood in the technical sense of the present day ; it apparently connotes a personal government by the Emperor through an organised bureaucracy, as opposed to the feudal system which had existed under the various Shōguns.

personally responsible, each for his separate duties; if economy be effected; if reality and not pretence be sought after; and if by these means the goal of a constitutional government be reached, then such government will be a representative government<sup>1</sup> of the whole nation; it will be in a position to challenge comparison with the government of any other country of the world; the great work of the Restoration will at last be finally completed, and the feeble efforts of Your humble servant will be rewarded with some success.

In selecting a Minister to fill the leading position Your servant has indicated, it is well that Your Majesty's choice should fall on one who understands the condition of the country, and is experienced in the business of the State. Your servant is quite unequal to the heavy responsibilities imposed by domestic and foreign affairs at the present time. Therefore, he begs with all reverence that Your Majesty will appreciate the sincerity of his motives, and take this opportunity to reconstitute the Cabinet and release him from his official duties. If Your Majesty will be graciously pleased to act in accordance with Your servant's advice, and thus enable him to fulfill his loyal obligations, Your servant will be deeply grateful.

The unusual character of this memorial<sup>2</sup> is due to the exigencies of the situation. May Your Majesty be pleased to accede to it.

Respectfully submitted.

(Signed) SANJO SANEYOSHI,  
Prime Minister,

*J.W.M.*, Dec. 26, 1885, pp. 618-19. December, 1885.

1. This phrase can only imply a government by the representatives of the governing class; it too is not to be interpreted in its technical sense.

2. The history of this memorial I am unable to give, but it is easy to surmise that Sanjo did not voluntarily resign the high post he had occupied for some fifteen years. What pressure, if any was brought to bear upon him it is impossible to say, but it is well known that Ito and Inouye were the men who planned and carried through the reorganisation which followed Sanjo's resignation.



## 2. THE OFFICES OF THE LORD PRIVY SEAL, THE COURT COUNCILLORS, ETC. ARE CREATED.

(Imp. Notif. No. 68, Dec. 22, 1885.)

It is hereby notified that the offices of Nai-Dai-jin (Lord Keeper of the Seals), Kiuchiu-Komon-kan (Court Councillors), and Nai-Dai-jin Hi'sho-kan (Secretaries to the Lord Keeper of the Seals) have been established at the Court, with official ranks and duties as stated below.

Nai-Dai-jin.—One.

Duties:—1st. To keep the Imperial Seal and Seal of State.

2nd. To advise His Imperial Majesty and preside over the deliberations of the Court Councillors.

Kiuchiu-Komon-kan.—Not more than fifteen (1st to 3rd grades).

Duties:—To give advice about Court ceremonies and usages.

Nai-Dai-jin Hi'sho-kan.—One or two (*sonin* rank).

Duties —Attached to the Nai-Dai-jin.

*J.W.M.*, Dec. 26, 1885, p. 619.

## 3. THE CREATION OF THE CABINET IN PLACE OF THE COUNCIL OF STATE.

(Imp. Proclamation No. 69, Dec. 22, 1885.)

It is hereby notified that the existing offices of the Chancellor of the Empire (Daijō-Dai-jin) often called the Prime Minister, of the Second Minister of State (Sa-Dai-jin), of the Third Minister of State (U-Dai-jin), of the Privy Councillors (Sangi), and of the Ministers of Departments are abolished, and that in lieu thereof the creation is made of the offices of Minister President of State, of Minister of the Imperial Household, of Minister of Foreign Affairs, of Minister of Home

Affairs, of Minister of Finance, of Minister of War, of Minister of the Navy, of Minister of Justice, of Minister of Education, of Minister of Agriculture and Commerce, and of Minister of Communications.

The Cabinet<sup>1</sup> (Naikaku) shall consist of the following members, namely :—

The Minister President of State,  
 The Minister of Foreign Affairs,  
 The Minister of Home Affairs,  
 The Minister of Finance,  
 The Minister of War,  
 The Minister of the Navy,  
 The Minister of Justice,  
 The Minister of Education,  
 The Minister of Agriculture and Commerce,  
 The Minister of Communications.

*J.W.M.*, Dec. 26, 1885, p. 619.

#### 4. THE DEPARTMENT OF COMMUNICATIONS IS CREATED.

(Imp. Notif. No. 70, Dec. 22, 1885.)

It is hereby proclaimed that a Department of Communications has been established to take charge of affairs connected with the postal service, telegraphic communications, light-houses and navigation; and further that the Department of Public Works has been abolished, and that the conduct of affairs connected with mines and public works shall be assumed by the Department of Agriculture and Commerce; of affairs connected with telegraphic communications and light-houses by the Department of Communications; of affairs connected with the Imperial Engineering College by the Department of Education;

1. The members of the Cabinet was respectively Ito, Inouye, Yamagata, Matsukata, Oyama, Saigo, Yamada, Mori, Tani, and Enomoto.

and that affairs connected with railways shall be under the direct control of the Cabinet, for the present.

*J.W.M.*, Dec. 26, 1885, p. 619.

# 5. IMPERIAL DECREE ISSUED TO THE MINISTERS OF STATE.

(Dec. 23, 1885.)

In our opinion the essence of Government lies<sup>1</sup> in the establishment of a sound system of administration, and in a wise use of opportunities. Similarly, what is essential to a Cabinet is that it should have direct control of all affairs of State, and that its action should be uniform and expeditious.

In the present reconstruction of the Government Ministers of State have been appointed to various posts of high responsibility, and a Prime Minister has been appointed to preside over them. In this way the evil of obstruction caused by the circuitous methods of business under which hitherto action has been fettered by tedious routine, owing to the subordination of the various Public Departments to the Council of State, will be removed.<sup>2</sup>

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1. It is perhaps worth noting that the definition here given of the "essence of Government" leaves out of consideration entirely the legislative functions.

2. The present Imperial Rescript announced the fifth radical reorganisation of the Government since 1868. The years in which these changes occurred were 1871, 1875, 1880 and 1881. In each case an attempt was made to solve the difficulty which arose from the absence of an independent legislative body. Thus in 1871 the Sa-in was created as a deliberative organ, but its powers were not great enough to enable it to become a controlling force in legislation. The Sei-in with its adjunct, the U-in, retained what was practically a monopoly of the power of the State. In 1875 the Genro-in was set up, but its legislative powers were too limited to give it control of the lawmaking branch of the Government. The Daijō-kwan remained as before the repository of power, and the Privy Council, because its chief members were also the heads of the administrative Departments, soon transformed itself into an aggregate of supreme authorities in administration. Thus under this system the worst form of bureaucracy made its appearance, in the shape of a virtual oligarchy. In 1880 the great majority of



It is our intention to put an end to the confusion by clearly defining the controlling authority in each Department of State; to invite genius by careful selection; to remove obstruction by abolishing the circuitous methods which have created it; to proceed with urgent works by economising expenditures; to promote efficiency in the public service by the strict observance of disciplinary rules; and by these means gradually to reorganise the whole administration.

This, Ministers of State, is what We ask of you. The Government of the Restoration cannot be allowed to advance at one moment and to retrograde at another. Discard pretence, make reality your aim in all things both great and small, and thus ensure the continued maintenance of the present form of Government.

Ministers, bear in mind these Our wishes in the performance of your duties.

(Signed) Count ITO HIROBUMI,  
Prime Minister.

*J.W.M.*, Dec. 26, 1885, p. 619.

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the members of the Privy Council gave up their administrative offices, and in the Council six sections were formed, each headed by a Councillor who had previously been a Departmental Minister, to supervise the work of the administrative Departments. In this way no radical difference was made in the system in operation before 1880, and in addition whatever advantages accrued from directness of action under the old system were lost. It was to obviate the loss of time necessitated by the double control which had been inaugurated in 1880, that in the following year the members of the Privy Council were again appointed to be Ministers of Departments. To prevent the recurrence of the evils which had been so apparent before 1880, a body known as the Sanji-in was created, for the purpose of securing uniformity of legislation and equality among the various Departments of State. The Sanji-in had however the same effect as the Sections of the Privy Council, in retarding the despatch of business and complicating the work of the administration, and it is against these defects of the system that this Rescript inveighs.

## 6. THE FUNCTIONS OF THE CABINET.

(Cabinet Notif. No. 72, Dec. 23, 1885.)

It is hereby notified until further notice, that the functions hitherto discharged by the Council of State shall devolve upon the Cabinet.

(Signed) Count ITO HIROBUMI.

*J.W.M.*, Dec. 22, 1885, p. 619.

## 7. THE BUREAU OF ADMINISTRATION.

(Imp. Proclamation No. 74, Dec. 23, 1885.)

It is hereby proclaimed that the Bureau of Administration (Hosei-kyoku) has been established in the Cabinet, to be conducted under the following regulations.

## REGULATIONS OF THE BUREAU OF ADMINISTRATION.

I. The following offices shall be established in this Bureau :—

Chief of the Bureau...	...	...	...	1	<i>chokunin.</i>
Councillors	...	...	...	20	<i>sonin.</i>
Secretaries	...	...	...	2	<i>sonin.</i>
Clerks	...	...	...	—	<i>kannin.</i>

II. The Bureau of Administration shall be under the control of the Minister President.

III. The following Divisions shall be established in the Bureau :—

1. Division of Administration.—To prepare and examine regulations and instructions as to foreign affairs, home affairs, industries, education, military affairs, finance, and communications.

2. Division of Jurisprudence.—To prepare and examine civil codes, laws of appeal, commercial laws, criminal laws, and laws of criminal procedure, and instructions relating thereto.

3. Division of Justice.—To have control of amnesties and special permissions, of affairs relating to the constitution of the Courts and the administration of justice.

IV. The Chief of the Bureau shall direct the Councillors, under the command of the Minister President.

V. Each Division shall be presided over by a Councillor.

VI. Each Chief of a division shall superintend the affairs of his Division, under the control of the Chief of the Bureau.

VII. The Councillors shall be responsible for the consideration and compilation of laws and instructions relating to their Divisions.

VIII. The Chiefs of Divisions and the Councillors shall attend, at the order of the President, the deliberations of the Cabinet for the purpose of explaining such measures as may be under discussion by the committee of the Cabinet.

IX. The Secretaries shall engage in the preparation of documents under the command of the Chief of the Bureau.

Mr. Yamao Yozo, Court Councillor, has received the additional appointment of Chief of the Bureau of Administration.

*J.W.M.*, 1886, p. 10.

## 8: INSTRUCTIONS TO MINISTERS.

(Dec. 26, 1885.)

In accordance with the Imperial Rescript of the 23 instant, I have framed for your guidance the following general principles for the transaction of the business in each of your Departments. You are requested each to prepare a detailed programme applicable to your respective Departments, within the limits allowed by the principles now laid down, and to submit it to the Cabinet for consideration.

### I. DEFINITION OF OFFICIAL RESPONSIBILITIES.

The new Government (of the Restoration) having been only recently established, the number of officials has not been fixed,



and in consequence abuses have gradually found their way into the public service, and the unnecessary increase of the officials has considerably retarded the work of the State. In 1877 changes were made in the constitution of the Government, and the Kyōbushō (Department of Ecclesiastical Affairs) was amalgamated with the Department of Home Affairs<sup>1</sup>; while the number of officials in all Departments was reduced by more than one-half. But, no provision having been made for the prevention of future abuses, the official lists have gradually increased until they reached twice the original number. You, Ministers of Departments, are therefore requested to establish bureaux and offices so as to limit the number of officials according to the particulars mentioned below, and to submit your proposed scheme for the consideration of the Cabinet, together with your reasons for each reduction that may be made. After more or less uniformity shall have been established in all Departments, then the whole programme will be submitted for Imperial sanction.

1. The office of Vice-Minister shall be limited to one.
2. The number of Secretaries shall be fixed according to the actual requirements of each Department.
3. Offices not under the control of any of the bureaux of a Department shall be taken charge of by one of the Secretaries of that Department.
4. The business of a Department shall be transacted in the various bureaux, according to the nature of the work to be performed; and each bureau shall be under charge of a chief or of a chief and his assistant.
5. It is left to the convenience of the Departments to decide as to the expediency of establishing sections (*kwa*) either in bureaux or Departments.
6. The chiefs and the assistant chiefs of bureaux shall be of *sonin* rank, and the assistant chiefs of sections of *hannin* rank.
7. Bureaux shall be classed numerically according to the amount or importance of the duties assigned to them, such order of classification being at the discretion of Ministers.
8. After the formal establishment of bureaux and divi-

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1. By Imp. Dec. No. 4, Jan. 11.

sions, whenever any change in the business of the Department requires either the establishment of new, or the abolition of old bureaux or divisions, or an increase of officials of *sonin* rank, reasons for the proposed step should be given at a Cabinet meeting, after which the Imperial sanction will be applied for.

9. Each Department can have at its disposal a committee of Councillors for the purpose of deliberating on, or draw-up propositions for any measure.

10. Departments may not engage officials as attachés, in excess of the fixed number of regular officials.

11. Ministers of Departments shall establish rules for bureaux and sections, and make chiefs of bureaux and sections aware of their responsibilities.

The foregoing points requiring uniformity throughout all the Departments, will be fixed at a Cabinet conference.

12. Officials below the eighth class should be appointed by Ministers of Departments, within the limit allowed by the fixed amount of salaries.

13. Ministers may engage temporary employees, within the limits of the fixed expenditure, for the transaction of temporary business.

14. Regulations as to offices of a special character, such as the Metropolitan Police Office, Tax Collectors and Prison Offices, etc., will be issued in a separate document.

15. It will be within the competence of each Minister to appoint a committee from among the ordinary staff of his Department, for the purpose of investigating any special matter or of transacting special business.

16. In each Department a certain number (to be fixed at a Cabinet conference) of the *shiho* (probationary officials), who shall have passed the necessary examination, should be retained to fill any vacancies in the official staff.

17. Regulations with respect to *shiho* will be issued after Imperial sanction has been obtained.

18. An official may be employed in two separate and different branches of work in one Department, but not in separate Departments, except in unavoidable cases, when the term of such divided employment must not exceed one year.

19. An official receiving an additional appointment in another Department will be entitled to receive one third of the salary attaching to such additional appointment.

The above are the principles of the Government regulations. Detailed regulations will be issued after the reports of the Departments have been received, and the Imperial sanction has been obtained.

Officials above *sonin* rank will be eligible for positions of responsibility and power in the Government, and clerks will be employed as their subordinates. Hitherto official regulations have been very ambiguous, employees and other officers below the regular gradation (*togai*) having been advanced to the class of (*zokkan*) clerks, and, similarly, clerks to *sonin* rank. This naturally resulted from the absence of examinations. Henceforward offices of *sonin* rank are to be conferred only on those who pass a high examination. Clerks will be gradually promoted in respect of salary until they obtain a salary equal to that of the lowest class of *sonin* rank (the 7th class). Above that they will not be advanced, unless by virtue of extraordinary services or by passing the required examination. In 1871 the amount of salary was fixed according to the gradation of the official rank, a measure which narrowed the field for the employment of talent. This system will be abolished in future; and officials of any rank, who are promoted by examination, will be enabled to receive gradually increasing pay, according to the relative value of their work. Regulations with regard to pay will be issued with the Imperial sanction after consideration by the Cabinet.

## II. APPOINTMENT.

There having been no fixed mode of appointing officials, appointments have hitherto fallen to the friends of those already in office, and educated persons have thus been deprived often of all hope of advancement. This, of course, is the inevitable consequence of the lack of complete regulations. Now, however, these having been formally promulgated, by which the number of officials has been limited, the absence of a fixed system of appointments would lead to grave abuses and make it impossible to obtain the labors of efficient men for the public service.



Regulations as to the appointment of officials being somewhat of a novelty, more extended rules will be framed by a special committee, and, after being discussed in the Cabinet, will be submitted for the Imperial sanction; but as showing the principles upon which those rules will be prepared, the more important points are enumerated below:—

1. Appointment and promotion will take place by examination.

2. Examinations are divided into two classes, scientific and ordinary.

3. Scientific examinations are subdivided into two classes—elementary and higher.

4. Besides scientific and ordinary examinations, special examinations will be held (examinations in book-keeping in the cases of accounting officials, and in foreign languages, in the cases of diplomatic officials).

5. Candidates may be examined in any special subjects not mentioned in the schedule, at their option; and the committee of examination will make due allowance for such examinations. Those candidates who have obtained high marks will receive certificates of excellence, every opportunity being thus afforded for the display of ability.

6. The committee of examination will be appointed in connection with the Cabinet.

7. Regulations as to special examinations, to be conducted in each Department by permission, will be determined by mutual arrangement between the committee of examination and the Minister of each Department.

8. The selection of officials to be promoted by examination shall be based on enquiries by the committee of examination as to their age, character, health, and ability.

9. Successful candidates in the scientific examination shall be made *shūho* (probationers) for a certain fixed period of time, during which time they will be initiated into official business, or registered in the list of successful candidates.

10. Officials of *hannin* rank, already in the public service, must pass at least the elementary scientific examination to be promoted to *sonin* rank.

11. Whenever there is a vacancy among, or a demand for officials of *hannin* rank, appointments will be made by means of an ordinary examination.

12. Officials of *togai* class, and those already in the public service, will pass an ordinary examination on promotion to offices of *hannin* rank, but specialists may be promoted without any such examination.

13. Officials of *hannin* rank, attachés of both *jun-hannin* and *jun-sonin* rank, and employees and officials of *togai* class, will be allowed at their option to try the scientific examination.

14. The regulations of the committee of examination will be framed so as to secure strict justice and equity.

15. The clerks of the local government offices will be specially examined.

The above are only the general outlines of the system. To carry it into practice, a committee will be appointed to examine into its details.

### III. SUPERABUNDANCE OF DOCUMENTS.

At the time of the Restoration, when old things were constantly giving place to new, inferior officials had to apply to their superiors for instruction as to their duties—no matter how trifling. This has now become a custom, and whenever any order is issued a hundred questions are instantly asked as to its meaning. Such is the mass of correspondence thus necessitated that sometimes six or twelve months are devoted to the settlement of one subject. To this is due the accumulation of business, and a vast increase of superfluous officials in the Departments and in the Council of State, evils called into existence by the necessities of the times, but now become unbearable.

This multiplication of documents leads to the following, among other evils:—

1. Injury to public and private interests by retarding the business of Government offices.

2. A superabundance of officials.

3. Weakening of the sense of individual responsibility on the part of officials in charge of Departments, by inducing them to rely upon documents.

These evils may be remedied by the following methods:—

1. Transmitting regulations to government officers along with explanations.

2. Governors or Prefects, and heads of bureaux will not be permitted to ask for guidance in executing orders or enactments, when these are accompanied by an explicit statement of their meaning; and when there is no such statement the spirit of their instructions should be taken as a guide, so that there may be no obstruction to business.

Besides the abuses that have been pointed out, the keeping back of documents is a serious evil. For it measures of remedy are as follows :—

1. Official documents should be dealt with in a fixed period of time according to their importance; and responsible officials should be held accountable for any delays that may take place.

2. In the transaction of business having relation to several Departments, the former cumbrous method of sending around documents to each should be replaced by the process of holding a conference of the head officials of the Departments concerned, at which conference the resolutions arrived at should be at once signed.

3. Documents should be divided into those that are important and those that are not important. Those of the latter class should not be copied, but there should be entered in the record book the dates and the name of the matter they have reference to.

4. The chief of each bureau should inspect once or twice a week the record book of correspondence of his bureau, to see that there is no delay; and the Vice-Minister of each Department should do the same with the record book of correspondence of the Department, once or twice a month.

5. The chiefs of bureaux or the officials below them are not permitted to keep documents beyond the specified length of time, without the sanction of the Minister or Vice-Minister of their Department.

The above being only a general outline, the practical details and their due order should be determined by the Ministers of Departments, according to the convenience of each Department. But these principles having connection with the management of the Departments, as much uniformity as is practicable



is to be desired, and for that reason the above general outline has been stated as a basis.

#### IV. REDUCTION OF SUPERFLUOUS EXPENDITURE.

In all countries where the affairs of State are administered with order and discipline, the expenditure is on a very economical footing, for the way to wealth and power lies not merely in spending lavishly, but in spending on measures of national importance suited to the exigencies of the times. The constant increase of the expenditure of Japan has been in great measure rendered necessary by the increased complexity and accumulation of both domestic and foreign affairs. But it is found on comparing the Treasury report of 1873 with that of last year, 1884, that there has been an increase of one-fourth. Speaking of that part of the expenditure used in paying salaries, a comparison of the years 1873 and 1884 shows an increase of six-tenths, while that of the years 1876-77 and 1883-84 reveals an increase of one-third. But the real business accomplished has not increased in comparison with the increase of expenditure. It is now high time to adopt a more economical method of government. A fixed amount of expenditure for each Department will in future be determined by the Cabinet; and that amount must not be overstepped. Each Minister should economise the expenditure in his Department, by giving heed to the necessities of other Departments.

The number of officials above *sonin* rank is already fixed, but that of those below *hannin* rank should be fixed by the Ministers of Departments according to the convenience of each Department, within the limit of the specified expenditure for salaries. In order that the reforms now introduced may be maintained, and that all tendency to abuses may be prevented, Departments, Bureaux, City and Prefectural Governments should make a monthly statistical report on the number and salaries of officials, and submit the same to the Board of Audit before the tenth of each following month. When the limit has been over-

stepped, the Board of Audit shall report the fact to the Minister President, to be dealt with by him.

Besides inspecting account-books the Board of Audit shall have power to enquire into the objects for which expenditures have been incurred, to make observations on the conduct of business in the service, and to stimulate the exertions of the executive by submitting to the Cabinet schemes of economical and effective management.

In event of there being a pressure of business of the same nature in Departments, the matter will be remedied by a Cabinet conference.

#### V. DISCIPLINE.

As the character of the officials makes or mars the dignity and credit of the Government, and as their loyalty, care, industry, and purity bear strongly on the successful management of public business, it is very important to enforce strict discipline and order, so as, on the one hand, to ensure the methodical conduct of official business, and, on the other, to maintain a high moral standard among officials. In 1876 regulations as to officials (*Cho Kai-rei*) were issued, but the absence of proper inspection and supervision rendered them inoperative. It is now an unavoidable necessity to establish a tribunal to deal with violations of these regulations, and to frame regulations of censure and dismissal, so as to maintain discipline and preserve the honor of public servants. The carrying out of these ideas, however, cannot be attempted immediately, for they are closely connected with the details of other reforms. Nevertheless, it being very important to preserve order and integrity among officials, Ministers of Departments should, in the meantime, comply with the Imperial wishes by encouraging and directing officials under them. Whenever any official violates the principles of loyalty and faithfulness, or contravenes the laws, or is careless or lazy, he should be reproved or punished according to the degree of his offence. The prohibition as to accepting

presents should be extended to small things as well as to large things; no allowance should be made for negligence of official work, whether intentional or otherwise, and those who are prevented by age from giving efficient service should be discharged, to the end that faithfulness, justice, and efficiency may ever be made the principal conditions of employment. The regulations on all these points will be issued after obtaining the Imperial sanction.

(Signed) Count ITO HIROBUMI,  
Prime Minister.

*J.W.M.*, 1886, pp. 11-13.

#### 9. IMPERIAL RESCRIPT ON THE RESIGNATION OF PRINCE SANJO.<sup>1</sup>

(Jan. 13, 1886.)

Whereas Prince Sanjo Sanetomi, Lord Keeper of the Seals, second Rank of the First Official Grade, and Grand Order of Merit, who has assisted Us since the Restoration in the administration of Our Empire, and who, by serving Us as the pillar and foundation of the State, merits the title of most valuable servant,

1. Fujiwara-no-Saneyoshi, son of a Kuge, and a supporter of the Imperial cause. In 1863 he went to Yedo as one of the messengers from the Court, with orders to the Shōgun to expel the foreigners. The mission was a failure, and Sanjo fled to Chōshū for asylum. In 1865 he removed to Chikuzen, but at the accession of the Meiji Tenna he was pardoned and appointed to office. During the War of the Restoration he was Constable of the Eastern Provinces and Commander of the left division of the Imperial Guards. In the subsequent negotiations with the Shōgunate, Sanjo obtained a reputation as an astute and courageous diplomatist, and in 1868 was made Udaijin, and in 1870 Daijōdaijin (First Minister of State). That office he held continuously until his resignation at the end of 1885, in spite of the efforts of Shimadzu Hisamitsu (Sakaro) to drive him out in 1874. Upon his resignation of the office of Daijōdaijin he was appointed Naidaijin (Lord Keeper of the Privy Seal) and President of the Court Council. Subsequently he was Prime Minister for a few months at the end of the year 1889. He was not a man of commanding presence, but he was a sagacious and enlightened leader.



has urgently requested permission to resign. We, appreciating his loyal intentions, herewith grant that he be released from the arduous duties of his post, and in token of special favor, assign to him an annual pension of five thousand *yen*, for the term of his life.

*J.W.M.*, Jan. 16, 1886, p. 53.

#### 10. ORGANISATION OF THE RESPECTIVE DEPARTMENTS.<sup>1</sup>

(Imp. Ord. No. 2, Feb. 26, 1886.)

##### RULES APPLICABLE TO THE RESPECTIVE DEPARTMENTS IN COMMON.

I. The term "Respective Departments" herein employed is a collective one representing :—

The Department of Foreign Affairs.

" " " Home Affairs.

" " " Finance.

" " " War.

" " " the Navy.

" " " Justice.

" " " Education.

" " " Agriculture and Commerce.

" " " Communications.

All matters in the following articles found inapplicable to

1. The first issue of a document of this nature occurred on November 10, 1881, when Imp. Notif. No. 60, Dec. 2, 1880 was repealed and in place of it was promulgated the "General Rules for the Conduct of Departmental Business." The document issued at that time I have not inserted; a summary of it may be read in the *Japan Weekly Mail*, Nov. 26, 1881, pp. 1373-74. In Notification No. 95 issued on the same day it was stated that no changes whatever were made in the nature of the business to be transacted by the various Departments. The object of the "General Rules" was to introduce uniformity into the Departmental methods of transacting business, for the purpose of separating the Department from the personality of the Minister who happened to be in command. For a similar reason, viz., economising space, I have omitted a long document which appeared as Imp. Ord. No. 1, Feb. 26, 1886, containing the details of the organisation of each one of the nine Departments of State.

some one or other of the Respective Departments are provided for in the separate organisation of each of the Departments.

II. The Ministers of the Respective Departments shall be held responsible for all matters falling at present within their competency or that hereafter may, by law or Imperial Ordinance, be made to fall therein.

Such matters as fall within the competency of two or more of the different Departments shall be disposed of by mutual agreement of the respective Ministers of the Departments, and whenever they cannot agree between themselves the matters shall be laid before the Cabinet.

III. In case of the absence of a Minister of one of the Respective Departments, some one or other of the Ministers shall, upon Imperial command, represent him in his functions.

IV. All laws and Imperial Ordinances relating to matters within the competency of a Minister of one of the Respective Departments shall be countersigned by the Minister President of State and the competent Minister conjointly.

Should a law or Imperial Ordinance concern matters coming within the competency of two or more of the Ministers of the Respective Departments, it shall be countersigned by the Minister President of State and all the Ministers concerned conjointly.

VI. The Ministers of the Respective Departments may, within the limits of existing laws and Imperial Ordinances, by virtue of the power to them delegated, issue ordinances touching matters falling within their competency, for the purpose of carrying out general laws and Imperial Ordinances or for the maintenance of public peace and order.

V. The Ministers of the Respective Departments may, whenever they deem it expedient, lay before the Cabinet drafts of laws or Imperial Ordinances, of abrogation or of amendment of the same, when connected with matters within their competency.

VII. In the ordinances of the Ministers of the Respective Departments, provision may be made for penalties for the infrac-

tion thereof up to the sum of *yen* 25, or up to 25 days imprisonment.

VIII. The Ministers of the Respective Departments may, within the limits of laws and Imperial Ordinances, establish rules in detail for the conduct of business in the bureaux and sections of their Departments, and in the offices under their control.

IX. Excepting as it concerns countersignature of laws and ordinances, personal report to His Majesty, voting in the Cabinet, and the issuing of Departmental ordinances, the Ministers of the Respective Departments may direct their Secretaries-General to represent them in their functions, or may delegate to them some part thereof.

X. The Ministers of the Respective Departments may, in respect to matters falling within their competency, give directions or instructions to the Chief of the Metropolitan Police, the Chief of the Hokkaido and to the Governors of Cities and Prefectures.

XI. The Ministers of the Respective Departments shall, in respect to matters falling within their competency, supervise the Chief of the Metropolitan Police, the Chief of the Hokkaido and the Governors of Cities and Prefectures.

Whenever the Minister of any one of the Respective Departments deems any measure determined upon, or any order issued by the Chief of the Metropolitan Police, the Chief of the Hokkaido or the Governor of a City or Prefecture, to be in conflict with the public interest or with an existing law or ordinance, or to overstep the limits of the legal power of such an official, the said Minister, if competent to do so, may order the suspension of execution of any such measure or the rescission thereof.

XII. The Ministers of the Respective Departments shall have control over all the officials in their individual Departments. The appointment and dismissal of all the officials of or above *sonin* rank, shall, through the medium of the Minister President of State, be submitted to His Imperial Majesty for his sanction. The appointment and dismissal of officials of *hannin* rank.



shall depend absolutely upon the pleasure of the competent Minister.

XIII. The Ministers of the Respective Departments shall through the medium of the Minister President of State submit to His Imperial Majesty for his sanction, all proposed bestowals of rank, decoration, or pension upon officials under their control or supervision.

XIV. No Minister of any of the Respective Departments shall, without His Imperial Majesty's approval, and the sanction of the Cabinet, have the power to create, abolish, subdivide or amalgamate any bureau or bureaux, section or sections in his Department, or to increase beyond the fixed legal number thereof his staff of officials of *chokunin* or of *sonin* rank.

XV. No Minister of any of the Respective Departments shall be allowed to ask that he may be allowed to make an outlay of funds over and above the accounts appropriated for his use in the budget, or to make any extraordinary expenditure whatever unprovided for therein. The foregoing shall not, however, apply to such outlays as may be occasioned by exceptional emergencies or by provision of existing laws.

XVI. The Ministers of the Respective Departments may appoint their own officials of *hannin* rank, determining their number according to the requirements of their Departments, provided their aggregate salaries do not exceed the sums provided for the same in the budget.

XVIII. The Ministers of the Respective Departments shall from time to time report to the Minister President of State the actual condition of affairs under their administration.

XIX. The Ministers of the Respective Departments shall, though the medium of the Minister President of State and by the end of the fiscal year, lay before His Imperial Majesty a report particularising every transaction in their individual Departments during the previous calendar year.

XX. The Ministers of the Respective Departments shall at the end of each fiscal year forward to the Minister President

of State a report setting forth full particulars as to the service of the officials of *kanuin* rank or of lower positions, together with an enumeration of the number of extra employees engaged during the previous year, of the duties they have performed, of the number of days each has served and of the amount of pay disbursed to them.

XXI. The Ministers of the Respective Departments may at the end of each year and within the limit of the amount appropriated in the budget for the purpose, pecuniarily reward any of the officials of their staffs, of *sonin* or of an inferior rank, that have specially distinguished themselves for diligence in the performance of their duties, and may have their names published in the *Official Gazette*.

XXII. No Minister of any of the Respective Departments shall have the power to direct any official under him to give his services to any Department other than his own. Should the necessity arise for an official to give his services to two or more different Departments, the Minister competent in the matter shall lay the case before the Cabinet and obtain His Majesty's consent to the proceeding.

XXIII. The Ministers of the Respective Departments may, at their pleasure and for the purposes of special investigation, appoint committees from among their permanent staffs of officials.

XXIV. The Ministers of the Respective Departments shall have the power of meting out to the officials in their individual Departments disciplinary punishment, in conformity with the rules laid down by law or by Imperial ordinance.

XXV. In the Respective Departments there shall be the following functionaries :—

- A Secretary-General.
- Special Secretaries.
- Secretaries.
- Directors of Bureaux.
- Councillors.
- Assistant Directors of Bureaux.

Assessors.

Clerks.

XXVI. Whenever, beyond those enumerated in the foregoing article, any special functionaries are required in any of the Respective Departments, provision to meet the case will be found in the particular organisation of the Department.

XXVII. In each of the Respective Departments there shall be a Secretary-General, who shall be of *chokumin* rank.

XXVIII. The Secretary-General of a Department shall, under the direction of the Minister thereof, represent the latter in his functions to the extent laid down in Article IX hereof; or the Minister may delegate to him a part thereof, within such limits as the Minister may prescribe. In case of the absence of the Secretary-General, the Minister shall direct some other officials of the Department to represent for the time being the Secretary-General in his functions.

XXIX. The Secretary-General may sign official documents as the representative of the Minister.

XXX. The Secretary-General of a Department shall be the Director of the Secretary-General's office; he shall superintend the business of all the bureaux and sections and shall be responsible to the Minister for the general conduct of the affairs of the Department.

XXXI. In each of the Respective Departments there shall be a Minister's Chamber, wherein all confidential matters shall be transacted and the official seal of the Minister, that of the Secretary-General, and that of the Department shall be preserved.

XXXII. In the Minister's Chamber shall be conducted the personal correspondence of the Minister, all business of a confidential nature or relating to appointments, dismissals and other like matters of a personal character and all matters which the Minister reserves to himself. Matters relating to appointments or dismissals and all other like matters of a personal character may be attended to according to the convenience of the Department, in one of the sections of the Secretary-General's office.



XXXIII. The Special Secretaries shall be officials of *sonin* rank. They shall give their services exclusively to the Minister they are serving under, and shall take charge of all matters connected with the Minister's Chamber.

The number of Special Secretaries in each Department shall be provided for in the separate organisation thereof.

XXXIV. The Special Secretaries shall by special direction of the Minister, in case of necessity assist in the conduct of the business of the Secretaries or of the bureaux or sections.

All exceptional duties that can be assigned to Special Secretaries in consequence of particular requirements of the Department, shall be determined according to the separate organisation of the Department.

XXXV. In each of the Respective Departments there shall be established a Secretary-General's office for the general conduct of the affairs of the Department, and for the distribution of business there shall be established different bureaux.

XXXVI. The offices of the Secretaries-General of the Respective Departments shall be divided into a section of Drafts, one of Despatch and Receipt, one of Reports, and one of Archives.

XXXVII. In the section of Drafts all drafts emanating from all the different bureaux of the Department and the drafting of the various kinds of official documents shall be carried on.

XXXVIII. The section of Despatch and Receipt shall transact all business connected with the receiving of official letters and documents arriving at the Department and the despatching of all similar matter therefrom.

XXXIX. The section of Reports shall attend to the business of collecting from the different bureaux and sections all necessary data for compiling reports and statistics, to preparing reports for the Minister's use and to forwarding to the *Official Gazette* matter to be published therein.

XL. The Section of Archives shall attend to the business of compiling and preserving the official papers of the Department.

In those Departments in which there already exists a bureau of Archives, no section of Archives shall be formed.

XLI. Particular functions that shall be attributed to the competency of the Secretary-General's office, owing to the special requirements of the Respective Departments, shall be provided for in the special organisation thereof.

XLII. Secretaries shall be of *sonin* rank and shall, under the direction of the Minister himself or of the Secretary-General, attend to the drafting of official documents, or when in addition appointed Chiefs of sections in the Secretary-General's office, attend to the affairs of such sections.

The number of Secretaries in the Respective Departments shall be provided for in the special organisation of the Departments.

XLIII. There shall, excepting to the Secretary-General's office, be appointed to every bureau a Director and a Vice-Director, who shall be of *sonin* rank; nevertheless in certain cases, when a Director has already been appointed to a bureau, no Vice-Director need be appointed to the same bureau; and where a Vice-Director has already been appointed to a bureau, no Director need be appointed thereto.

XLIV. The Directors or Vice-Directors of bureaux shall, under the direction of the Minister himself or of the Secretary-General, attend to all matters falling within their competency and superintend the business of every section of their respective bureaux.

XLV. The Directors and Vice-Directors of bureaux shall be authorised to dispose at their discretion of all matters in which they are competent by reason of their falling within the limits of their functionary powers or within those of powers specially delegated to them.

XLVI. The Vice-Directors of bureaux shall assist the Directors in their duties, and when there is no Director, or when the Director is prevented from acting, shall by the instructions of the Minister officiate as the representatives of the Director.

XLVII. The Councillors shall be of *sonin* rank, and their duties shall be to give advice when consulted by the Minister, and also to study matters submitted to them and to prepare drafts.

The number of Councillors for each of the Respective Departments shall be provided for in the separate organisation thereof.

XLVIII. The Councillors shall, to suit the convenience of the Department to which they belong, and in addition to their other duties, be appointed to the business of some bureau or section, or they may be from time to time directed to assist in the business of some bureau or section.

What matters can by the requirements of a Department be specially assigned to Councillors to transact, shall be provided for in the separate organisation of the Respective Departments.

XLIX. Assessors shall be considered to be equal in standing with officials of *sonin* rank, and shall for a specified period be attached to such office as the Minister shall direct, in order that they may familiarise themselves with business, and shall wait for final appointment.

The rules for the assessors of the various Departments shall be separately enacted by Imperial Ordinance.

L. One Chief, to be of *hannin* rank, shall be appointed to every section of a bureau, and shall act according to orders given him by the Director of the bureau.

For cases in which, in any of the Respective Departments, the functions of a Chief of a section shall be assigned to an official of *sonin* rank, owing to the special requirements of the Department, provision shall be made in its separate organisation.

LI. The Clerks shall be of *hannin* rank, and their duties shall be, under the orders of their Chiefs, to commit matters to paper, to record and keep accounts.

LII. Whenever the assistance of extra members of the staff of the officials of any Minister of the Respective Departments,



or that of special advisers is required, the matter shall be laid before the Cabinet with detailed explanations of the circumstances for authority to employ the same.

LIII. The procedure to be observed in regard to official papers and documents in the rules for the conduct of business in each of the Respective Departments shall be in accordance with the following articles :—

LIV. All official papers or documents arriving at any of the Respective Departments, shall be received in the Despatch and Receipt section of the Secretary-General's office : the Chief of the section after gathering them together, opening and numbering them, shall enter them according to their numerical order and describe them in a book kept for the purpose and called "Entry Book," and shall present them to the Secretary-General for his perusal.

LV. The Secretary-General shall, upon the receipt of official papers or documents, examine them, and when it appears that there exists no rule for disposing of them or that they concern highly important matters, he shall present them to the Minister for perusal. But when they are of an ordinary character, he shall, after enscribing on them the name of the proper bureau or section they are to be forwarded to, and after affixing his seal to them, order the Chief of the Despatch and Receipt section to deliver them to their proper destination.

The Chief of the Despatch and Receipt section shall, when delivering official papers or documents to any bureau or section, do so to the proper Clerk thereof, specially appointed for the despatching and receiving of such papers and documents.

LVI. When papers or documents addressed to the Minister, in envelopes marked 'personal' arrive, the same shall after having been numbered on the envelope, be at once forwarded unopened to the special Secretary of the Minister.

LVII. The Special Secretary, upon the receipt of any paper or document specially addressed to the Minister in envelopes marked 'personal' or of any that have come not through

the channel of the Despatch and Receipt section but directly from some other bureau or section of the Department, shall number it and enter it in its numerical order in a Book of Entry, he shall then at once hand it to the Minister.

The Special Secretary shall, as soon as any such paper or document has received the Minister's decision as to its disposal, forward the same to the competent office with the Book of Entry and shall obtain the seal of the receiver thereof.

LVIII. The seal of the receiver of any official document or paper shall upon delivery thereof to him be always obtained in the Entry Book.

LIX. The Directors of bureaux when instructed by the Minister or the Secretary-General as to what course to pursue in any matter, or when they receive from the Chief of the Despatch and Receipt section any documents or papers, shall distribute the said papers and documents to the Chiefs of the competent sections, apprising them of the degree of urgency which the matter requires, instructing them as to what they have to do in the premises, and cause them to attend to the business without delay.

LX. The Directors of bureaux and the Chiefs of sections shall, in attending to the matter referred to in the papers or documents committed to them, not delay beyond the length of time signified to them for its transaction, and when any Director or Chief shall deem the matter requires more time for management than has been allowed, either owing to its complicated nature or to its being such a one as to require joint action on the part of various bureaux or sections, then the said Directors or Chiefs shall estimate the probable number of days required for the matter and obtain the Secretary-General's approval to the estimate thereof.

The period to be allowed for the transaction of any matter shall be specified in each of the Respective Departments.

LXI. When a matter concerns several bureaux or sections at a time, a draft to suit the requirements of the matter shall be

prepared in the competent bureau or section and the concurrence thereto of the interested bureaux or sections shall be obtained. However, whenever any differences of opinion exist among them on the subject, the chief officials of the said several bureaux and sections shall orally consult together, and if they still fail to come to an understanding, they shall promptly present themselves before the Minister or Secretary-General and obtain his final decision on the matter, but they shall not be allowed to express their opinions on written slips appended to the documents.

LXII. All drafts settled upon by any bureau or section, shall, by the appropriate clerk thereof, be transmitted to the Despatch and Receipt section, whereon that section shall present the said draft to the Secretary-General, who, after examining it, shall submit it to the Minister for his approval. However, when the Secretary-General is either acting as the temporary representative of the Minister or the matter is of such a nature that it falls within the limits of the powers already delegated to him by the Minister, he shall after examining the draft at once order its purport to be carried out.

LXIII. Whenever the Secretary-General entertains an adverse opinion concerning a draft settled upon and presented to him by a bureau or section for approval, he shall either order the Director of one of the bureau to amend it or he shall ask and obtain the opinion of the Minister thereon and in conformity therewith give instructions to the said Director.

LXIV. All drafts after having received the approval of the Minister or of the Secretary-General, shall be engrossed in the Despatch and Receipt section; and when, through the Special Secretary, the seal of the Minister shall have been affixed to the copy, it shall be numbered and according to its number be entered and described in the Entry Book, and shall then be at once despatched. The Chief of the Despatch and Receipt section after having endorsed thereon the date of its receipt by him and of its leaving his section, and after having affixed his



seal thereto, shall return the original draft to the appropriate place.

All drafts the provisions of which are to be carried out in the name of the Director of any of the bureaux or the Chief of any of the sections, shall be engrossed in the bureau or section of the Director or Chief concerned and the copy sealed by him and delivered to the Despatch and Receipt section. That section shall number it, enter it in its numerical order and describe it in an Entry Book and despatch it.

LXV. All drafts prepared in the Secretary-General's bureau in compliance with the special orders of the Minister shall be directly presented by the Secretary-General to the Minister for his approval.

LXVI. All matters requiring immediate despatch, or that are of a confidential nature, may, without adhering to the rules prescribed in regard to official papers and documents, be submitted at once to the Minister for his decision thereon.

LXVII. All confidential papers and documents, and all those requiring immediate attention, may, without going through the proper channels herein prescribed and according to circumstances, be carried by competent officials from one to the other of the various bureaux to obtain their respective opinions thereon and be forwarded to the Minister's Chamber. The same rule shall hold good up to the time that the matter such papers or documents refer to shall have been decided and disposed of; but in such cases a special book shall be kept wherein all such papers and documents shall be described and their numbers registered.

LXVIII. Whenever, for the purpose of examining into the subject-matter of any papers or documents, it is necessary to communicate with other public offices, communication may, without making use of the channel of the Despatch and Receipt section, be held directly either in the name of a Director of any competent bureau or of any Chief of a section likewise competent.

LXIX. The Chief of the Despatch and Receipt section

shall keep an account of the number of days that pass from the time that any official papers or documents have been delivered to any bureau or section, and when it is found that any such papers or documents have not, without sufficient reason, been returned within the period prescribed for so doing, he shall report to the Secretary-General a description of the papers or documents and the name of the bureau at fault.

LXX. All official papers and documents the disposition of which is, by special order of the Minister, to be postponed for a time, shall be safely preserved in the Secretary-General's office.

LXXI. The official papers and documents of every bureau and section shall, after the business they refer to has been finished, be delivered either to the bureau of Archives or to the section of Archives; but all confidential papers and documents may, at the special order of the Minister, be preserved in the custody of the Special Secretary.

LXXII. All business concerning the accounts of the Respective Departments shall, excepting as to what is specially provided for by other laws or ordinances, be regulated according to the following rules:—

LXXIII. In each of the Respective Departments a bureau of Accounts shall be established, the business of which shall be the management of all matters connected with the accounts of the Department and of all offices under its control, and with the land and buildings connected with the same.

The said bureau shall be divided into an Accountant's section, an Auditor's section and a Supplies section.

LXXIV. The business of the Accountant's section shall be the management of all matters relating to the appropriation in the Budget and the balance-sheet of the Department and of all offices under its control, receipt and disbursement of monies, the keeping of account books and the making of detailed statements of accounts.

LXXV. The business of the Auditor's section shall be to

verify all disbursements of money and all documents for the same, and upon order of the Director of the bureau of Accounts, at any time and without previous notice, to examine articles in store purchased by the Supplies section.

LXXVI. The business of the Supplies section shall be the management of all matters connected with lands and buildings belonging to the Department and the custody of all articles purchased by the Department.

LXXVII. All business connected with salaries, travelling expenses, or other expenditure or income shall be managed by the Accountant's section. Whenever money has to be paid out on account for the Department, that section shall make out a warrant for the same, stating the object of the payment based upon vouchers, and present the same to the Director of the bureau of Accounts, who, when he deems the payment a proper one to make and after the warrant has been examined in the Auditor's section, and after the approval of the Minister or the Secretary-General has been obtained thereto, order the payment of the sum of money required.

LXXVIII. It shall be the duty of the Accountant's section to examine the seals affixed to a warrant by the Director of the bureau and the Chiefs of the sections through which it has passed, and to enter in the account book the sum or sums paid out by virtue thereof. It shall also prepare a daily statement of balances on hand and present it for examination to the Director of the bureau.

LXXIX. No correction or erasure of clerical errors made in the entries shall be allowed; nevertheless, the official concerned shall against the error write an explanation as to how it occurred and affix his seal thereto.

LXXX. The Chief of the Auditor's section shall, at any time, upon the order of the Director of the bureau, and without previous notice being given, examine all the books and papers belonging to the bureau.

LXXXI. All vouchers for the disbursement of money shall



be disposed of within a specified time; and even when the business they refer to is of a complicated nature, the official in charge of it shall not be allowed, without obtaining beforehand the authorisation of the Director of the bureau of Accounts, to let the specified time elapse without finishing the business.

The specified time shall be prescribed with reference to the convenience of the Respective Departments.

LXXXII. Whenever repairs to the property of any of the Respective Departments is thought necessary, the approval thereto of the Director of the bureau of Accounts of the Department in question shall be obtained by the Chief of the Supplies section, and when the said Director deems the repairs expedient, he shall, after the matter has been examined in the Auditor's section and has received the approval of the Minister or of the Secretary-General, order the Supplies section to proceed with the necessary repairs. As to all such works as have hitherto been undertaken with the approval of the Cabinet, the practice heretofore existing shall remain in force.

LXXXIII. All articles required for the daily use of the bureaux and sections of any of the Respective Departments shall be preserved in the Supplies sections thereof, and nothing shall be delivered therefrom unless upon warrant by a Director of a bureau or the Chief of a section thereof, for articles furnished him by the Supplies section.

LXXXIV. The Supplies section shall have charge of policing the premises of the Department and shall enter, in a book for the purpose, the description and quantity of all articles delivered by it to the various bureaux and sections, so that the receipts and deliveries of articles may always be clearly ascertained.

LXXXV. All such business as may be specially assigned to the bureau of Accounts, besides what is set forth in the foregoing articles, shall be prescribed in the separate organisation of the Department.

*J.W.M.*, April 3, 1886, pp. 327-28.

## II. RULES FOR GUIDANCE OF GOVERNMENT OFFICIALS.

(Imp. Ord. No. 37, July 29, 1887.)

I. Government officials should be faithful and diligent in their duty to His Imperial Majesty the Emperor and to the Imperial Government, being obedient to all laws and lawful commands, and discharging efficiently the official duties that may be allotted to them.

II. Government officials must obey the orders of their superiors in regard to their duties, though they may express their views with reference to those orders.

III. The conduct of government officials, whether in connection with or apart from their official duties, should always be marked by integrity, and they should never be guilty of acts of corruption. Similarly they should never abuse the power entrusted to them, but should always be courteous and forbearing.

IV. Government officials are forbidden to divulge Government secrets, whether these relate to their own duties or to those of other officials. The same obligation rests upon them even after they may retire from the public service. In the event of a government official being required in any law court to give evidence, as a witness or arbitrator, as to official secrets, he may do so only to such an extent as his Chief may instruct him.

V. Government officials may not disclose to any person concerned therewith, any document which has not been officially communicated to such persons.

VI. Government officials may not, without the sanction of their Chiefs, leave the posts to which they have been assigned, or change their official residences.

VII. Without the sanction of his Chief no government official may become chairman or member of any business company.

VIII. Without the sanction of his Chief no government official may receive presents, whether directly or in-

directly, whether under the name of gift, thank-offering, or any other, in connection with his duties. The sanction of His Imperial Majesty must be obtained before any government official can accept from any foreign Sovereign or Government any order of merit, present, salary, etc.

IX. Government officials may not accept entertainments from the following persons, or others connected with them:—

1. Persons engaged in public works in connection with government offices.

2. Persons engaged in the finance section of a government office.

3. Persons in the receipt of subsidies from a government office.

4. Persons engaged in the supply of goods to a government office.

5. Persons who enter into contracts with government offices.

X. Superior officials, whether on or off duty, may not accept presents from their subordinates.

XI. Without the sanction of his Chief no government official nor his family can engage either directly or indirectly in business.

XII. A government official may not become a member of any exchange company nor directly or indirectly concern himself with any such company or trade.

XIII. Without the sanction of his Chief no government official may occupy any salaried position in addition to his official duties.

XIV. Addiction to habits of dissipation, or improvidence, and other practices calculated to lead him into debt and thence to ruin, will be regarded as a fault on the part of a government official.

XV. No government official can accept a free ticket from any private steamship or railway company.

XVI. Chiefs of bureaux or sections are enjoined to exercise control over their subordinates. If it be deemed that a fault does not call for punishment, the offender should be warned and reprovved. If punishment is deemed necessary the



matter should be reported to the head official. Failure to make such report will be reckoned a fault.

XVII. These regulations are applicable to higher officials, *hannin* officials and all persons in Government service in the receipt of pay.

*J.W.M.*, Aug. 20, p. 182.

## 12. THE PRIVY COUNCIL (SUMITSU-IN) IS CREATED.

(Imp. Ord. No. 22, Ap'l. 28, 1888.)

Whereas We deem it expedient to consult personages who have rendered signal services to the State, and to avail Ourselves of their valuable advice on matters of State, We hereby establish Our Privy Council, which shall henceforth be an institution of Our supreme counsel; and We hereby also give Our Sanction to the present Ordinance relating to the organisation of the said Privy Council and to the Regulations of the business thereof, and order it to be promulgated.

(THE IMPERIAL SIGN-MANUAL.)

### ORGANISATION OF THE PRIVY COUNCIL

#### CHAPTER I. CONSTITUTION.

I. The Privy Council shall be the place at which it will be the Emperor's pleasure to attend and there hold consultation on important matters of State.

II. The Privy Council shall be composed of a President, a Vice-President, twelve or more Councillors, a Secretary-General, and several Secretaries.

III. The President, Vice-President, and Councillors of the Privy Council shall be personally appointed by the Emperor. The Secretary-General shall be of *chokunin* rank and the Secretaries of *souin* rank.

IV. No one who has not reached the fortieth year of his age shall be eligible to be appointed President, Vice-President or a Councillor of the Privy Council.

V. The President may cause some of the Secretaries to serve as his confidential Secretaries, in addition to their duties of ordinary Secretaryship.

## CHAPTER II. FUNCTIONS.

VI. The Privy Council shall hold deliberations, and present its opinions to the Emperor for his decision on the under-mentioned matters :—

1. Differences of opinion as to the interpretation of the Constitution, or of the laws appertaining thereto, and questions relating to the budget or other financial matters.

2. Drafts of amendments of the Constitution or of laws appertaining thereto.

3. Important Imperial Ordinances.

4. Drafts of new laws, and drafts for the abolition or amendment of existing laws ; treaties with foreign countries, and the planning of administrative organisations.

5. Any other matters whatever, besides those mentioned above, touching important administrative or financial measures, upon which the opinion of the Privy Council has been specially required by order of the Emperor ; and matters upon which the opinion of the Privy Council has to be taken, by reason of some special provision of law or ordinance.

VII. In Imperial Ordinances referred to in Section 3 of the preceding Article, a statement shall be made to the effect that the opinion of the Privy Council has been taken with regard to them.

VIII. Though the Privy Council is the Emperor's highest resort of counsel it shall not interfere with the executive.

## CHAPTER III. DELIBERATIONS AND BUSINESS.

IX. The deliberations of the Privy Council cannot be opened unless ten or more Privy Councillors are present at the time.

X. The deliberations of the Privy Council shall be presided over by the President. When the President is prevented from doing so by unavoidable circumstances, the Vice-President shall preside over the deliberations ; and in case the Vice-President is

also prevented they shall be presided over by one of the Privy Councillors according to the order of their precedence.

XI. The Ministers of State shall be entitled by virtue of their office to sit in the Privy Council as Councillors, and shall have the right to vote. The Ministers of State may send their representatives to the deliberations of the Privy Council, who shall have the right to there make speeches and explanations, but such representatives shall not have the right to vote.

XII. Debates in the Privy Council shall be decided by a majority of the members present. In case of an equal division of votes the presiding official shall have the deciding vote.

XIII. The President shall have the supreme control of all the business of the Privy Council and shall sign every official document proceeding from the Council.

The Vice-President shall assist the President in the discharge of his duties.

XIV. The Secretary-General shall manage all ordinary business of the Privy Council, under the direction of the President, shall countersign every public document issuing from the Privy Council, shall investigate matters to be submitted to deliberation, shall prepare reports, and shall have a seat in the assembly during deliberations that he may offer needed explanations, but he shall not have the power to vote.

The Secretaries shall take minutes of the proceedings, and shall assist the Secretary-General in the discharge of his duties. When the Secretary-General is prevented from discharging his duties, one of the Secretaries shall represent him therein.

In the minutes referred to in the preceding section, there shall be mentioned the names of those present at the proceedings, the essential points of the matters that have been under discussion, of questions that have been propounded and of replies that have been made thereto, and of decisions arrived at.

XV. Except in special cases, no deliberation can be opened unless reports of any investigation that may have been ordered have been prepared and forwarded to each member of the Privy Coun-



cil together with the documents necessary for due deliberation.

The order of the day and reports are to be previously forwarded to the Ministers of State.

REGULATIONS FOR THE CONDUCT OF BUSINESS OF  
THE PRIVY COUNCIL.

I. The Privy Council shall formulate its opinions on matters submitted to its deliberation by order of the Emperor.

II. The Privy Council cannot receive petitions, representations, or other communications from the Imperial Diet, from either House of the same, from any Government Office, or from any of His Majesty's private subjects whatever.

III. The Privy Council shall have official connection with the Cabinet and with the Ministers of State only, and officially shall not communicate or have any connection whatever with any of His Majesty's private subjects.

IV. The President of the Privy Council shall cause the Secretary-General thereof to investigate matters submitted to the Privy Council, and also to prepare reports on matters to be submitted to its deliberation.

In case the President deems it necessary he may undertake himself to prepare the above-mentioned reports, or he may appoint one or more of the Privy Councillors for the purpose.

V. Reports of investigations shall be forwarded to the President by the person charged with the preparation thereof.

In cases requiring expedition such reports may be made orally. In these cases the essential points of the matter reported upon shall be briefly stated in the record herein referred to in Article VIII.

VI. The President may fix the period within which reports of investigation shall be made. The reports shall be prepared with as much despatch as possible, and no procrastination is allowable.

The Cabinet may, in regard to matters of urgent import-

ance, address communications of that nature to the Privy Council and may also fix the time of deliberation thereon.

VII. Copies of reports of investigations, together with copies of accompanying papers, shall be forwarded to each one of the members of the Privy Council, at least three days previous to the opening of the deliberations on the matters in question.

VIII. A record shall be kept in chronological order of the deliberations to be held. The matters to be inserted in the said record are :—

1. The nature of the matters to be deliberated upon.
2. The date of the forwarding of papers previous to the opening of the deliberations.
3. The date of actual deliberation, and so forth.

An order of the day, similar in form to the records mentioned in the preceding section, shall be prepared concerning each and every matter to be submitted to deliberation. The said order of the day shall be forwarded to each member of the Privy Council three days previous to the opening of the deliberations thereon. The forwarding of the said order of the day shall also be regarded as an order to personally attend at the deliberations in question.

IX. The days and hours of the deliberations of the Privy Council shall be fixed by the President. The Ministers of State may, however, request that the day and hour be changed.

X. The deliberations of the Privy Council shall be conducted by the President or the Vice-President in conformity with the following rules :—

The Secretary-General or the Secretaries shall briefly state the nature of the matter in hand, and shall explain the essential points upon which decisions are to be arrived at. Upon this members present shall be free to engage in debate on the subject, but none of them shall be allowed to speak without having first obtained the permission of the President. When the debate has concluded the President shall state the question and take the votes thereon, in the following order of members—first the Ministers

of State present, second the Privy Councillors in their order of precedence.

The President shall also be free to take part in the debate.

The President shall declare the result of the vote.

XI. When a debate on any matter mentioned in the order of the day has not been concluded in one day it may be continued at another meeting. But in that case the formality mentioned above need not be repeated.

XII. Decisions arrived at in the Privy Council, by result of the vote cast, shall be reduced to writing by the Secretary-General or the Secretaries, and that statement shall be submitted to the President. The said written decision shall have appended to it the reasons that conduced to it; and, in the case of highly important matters, a memorandum stating the essential points of the debate shall accompany it.

Members present who entertain an opinion opposed to the decision arrived at may request the recording of their votes, and of the reasons for their opinion, in the reports of the debates, in the documents stating the reasons for the opinion of the Privy Council, or in the memorandum stating the essential points of the debate.

XIII. The decision mentioned in the preceding article shall be presented to the Emperor, and at the same time a copy thereof shall be forwarded to the Minister President of State.

XIV. The reports of the debates of the Privy Council shall be signed by the President and the Secretary-General or the Secretaries present, in order to secure their accuracy and trustworthiness.

*J.W.M.*, 1888, May 12, pp. 444-45.



13. SALARIES OF PRIVY COUNCILLORS.<sup>1</sup>

(Imp. Ord. No. 23, Apl. 28, 1888.)

That of the President of the Privy Council ... ..	Yen 6,000
That of the Vice-President ... ..	„ 5,000
That of a Privy Councillor ... ..	„ 4,500

*J.W.M.*, May 12, 1888, p. 445.

## 14. IMPERIAL SPEECH ON THE PROMULGATION OF THE CONSTITUTION.

(Feb. 11, 1889.)

Whereas We make it the joy and glory of Our heart to behold the prosperity of Our country, and the welfare of Our subjects, We do hereby, in virtue of the supreme power We inherit from Our Imperial Ancestors, promulgate the present immutable fundamental law, for the sake of Our present subjects and their descendants.

The Imperial Founder of Our House and Our other Imperial Ancestors, by the help and support of the forefathers of Our subjects, laid the foundation of Our Empire upon a basis, which is to last forever. That this brilliant achievement embellishes the annals of Our country, is due to the glorious virtues of Our Sacred Imperial Ancestors, and to the loyalty and bravery of Our subjects, their love of their country and their public spirit. Considering that Our subjects are the descendants of the loyal and good subjects of Our Imperial Ancestors, We doubt not but that Our subjects will be guided by Our

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1. The original members of the Privy Council were :—

President, Count Ito.

Vice-President, Count Terashima.

Councillors, Counts S. Kawamura, Yoshii, Sasaki, Terashima, Oki, Higashikuze, Soejima and A. Katsu; Viscounts Fukuoka, Y. Shinagawa, and Sano, and Mr. T. Kono.

Secretary-General, Mr. KInouye.

views, and will sympathize with all Our endeavours, and that, harmoniously cooperating together, they will share with Us Our hope of making manifest the glory of Our country, both at home and abroad, and of securing forever the stability of the work bequeathed to Us by Our Imperial Ancestors.

*Official Translation.*

15. PREAMBLE TO THE CONSTITUTION.

(Feb. 11, 1889.)

Having, by virtue of the glories of Our Ancestors, ascended the Throne of a lineal succession unbroken for ages eternal; desiring to promote the welfare of, and to give development to the moral and intellectual faculties of Our beloved subjects, the very same that have been favoured with the benevolent care and affectionate vigilance of Our Ancestors; and hoping to maintain the prosperity of the State, in concert with Our people and with their support, We hereby promulgate in pursuance of Our Imperial Rescript of the 12th day of the 10th month of the 14th year of Meiji,<sup>1</sup> a fundamental law of State, to exhibit the principles, by which We are to be guided in Our conduct, and to point out to what Our descendants and Our subjects and their descendants are forever to conform.

The rights of sovereignty of the State, We have inherited from Our Ancestors, and We shall bequeath them to Our descendants. Neither We nor they shall in future fail to wield them, in accordance with the provisions of the Constitution hereby granted.

We now declare to respect and protect the security of the rights and (of the) property of Our people, and to secure to them the complete enjoyment of the same, within the extent of the provisions of the present Constitution and of the law.

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1. October 12, 1881. See p. 86.

The Imperial Diet shall first be convoked for the 23rd year of Meiji, and the time of its opening shall be the date, when the present Constitution comes into force.

When in the future it may become necessary to amend any of the provisions of the present Constitution, We or Our successors shall assume the initiative right, and submit a project for the same to the Imperial Diet. The Imperial Diet shall pass its vote upon it, according to the conditions imposed by the present Constitution, and in no otherwise shall Our descendants or Our subjects be permitted to attempt any alteration thereof.

Our Ministers of State, on Our behalf, shall be held responsible for the carrying out of the present Constitution, and Our present and future subjects shall forever assume the duty of allegiance to the present Constitution.

[His Imperial Majesty's Sign-Manual.]

[Privy Seal.]

*The 11th day of the 2nd month of  
the 22nd year of Meiji.*

(Countersigned) Count Kuroda Kiyotaka,  
*Minister President of State.*  
Count Ito Hirobumi,  
*President of the Privy Council.*  
Count Okuma Shigenobu,  
*Minister of State for Foreign Affairs.*  
Count Saigo Tsukumichi,  
*Minister of State for the Navy.*  
Count Inouye Kaoru,  
*Minister of State for Agriculture  
and Commerce.*  
Count Yamada Akiyoshi,  
*Minister of State for Justice.*  
Count Matsugata Masayoshi,  
*Minister of State for Finance,  
and Minister of State for  
Home Affairs.*  
Count Oyama Iwao,  
*Minister of State for War.*



Viscount Mori Arinori,  
*Minister of State for Education.*

Viscount Enomoto Takeaki,  
*Minister of State for Communications.*

*Official Translation.*

## 16. THE CONSTITUTION OF THE EMPIRE OF JAPAN.

(Feb. 11, 1889.)

### CHAPTER I.—THE EMPEROR.

I. The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.

II. The Imperial Throne shall be succeeded to by Imperial male descendants, according to the provisions of the Imperial House Law.

III. The Emperor is sacred and inviolable.

IV. The Emperor is the head of the Empire, combining in himself the rights of sovereignty, and exercises them according to the provisions of the present Constitution.

V. The Emperor exercises the legislative power with the consent of the Imperial Diet.

VI. The Emperor gives sanction to laws, and orders them to be promulgated and executed.

VII. The Emperor convokes the Imperial Diet, opens, closes, and prorogues it, and dissolves the House of Representatives.

VIII. The Emperor, in consequence of an urgent necessity to maintain public safety or to avert public calamities, issues, when the Imperial Diet is not sitting, Imperial Ordinances in the place of law.

Such Imperial Ordinances are to be laid before the Imperial Diet at its next session, and when the Diet does not approve the said Ordinances, the Government shall declare them to be invalid for the future.

IX. The Emperor issues, or causes to be issued, the Ordinances necessary for the carrying out of the laws, or for the maintenance of the public peace and order, and for the promotion of the welfare of the subjects. But no Ordinance shall in any way alter any of the existing laws.

X. The Emperor determines the organisation of the different branches of the administration, and salaries of all civil and military officers, and appoints and dismisses the same. Exceptions especially provided for in the present Constitution, or in other laws, shall be in accordance with the respective provisions (bearing thereon).

XI. The Emperor has the supreme command of the Army and Navy.

XII. The Emperor determines the organisation and peace standing of the Army and Navy.

XIII. The Emperor declares war, makes peace, and concludes treaties.

XIV. The Emperor declares a state of siege.

The condition and effects of siege shall be determined by law.

XV. The Emperor confers titles of nobility, rank, orders, and other marks of honour.

XVI. The Emperor orders amnesty, pardon, commutation of punishments, and rehabilitation.

XVII. A Regency shall be instituted in conformity with the provisions of the Imperial House Law.

The Regent shall exercise the powers appertaining to the Emperor in his name.

## CHAPTER II.—RIGHTS AND DUTIES OF SUBJECTS.

XVIII. The conditions necessary for being a Japanese subject shall be determined by law.

XIX. Japanese subjects may, according to qualifications determined in laws or ordinances, be appointed to civil or military or any other public offices equally.

XX. Japanese subjects are amenable to service in the Army and Navy, according to the provisions of law.

XXI. Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law.

XXII. Japanese subjects shall have the liberty of abode and of changing the same within the limits of law.

XXIII. No Japanese subject shall be arrested, detained, tried or punished, unless according to law.

XXIV. No Japanese subject shall be deprived of his right of being tried by the judges determined by law.

XXV. Except in the cases provided for in the law, the house of no Japanese subject shall be entered or searched without his consent.

XXVI. Except in the cases mentioned in the law, the secrecy of the letters of every Japanese subject shall remain inviolable.

XXVII. The right of property of every Japanese subject shall remain inviolate.

Measures necessary to be taken for the public benefit shall be provided for by law.

XXVIII. Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious belief.

XXIX. Japanese subjects shall, within the limits of law, enjoy the liberty of speech, writing, publication, public meetings and associations.

XXX. Japanese subjects may present petitions by observing the proper forms of respect, and by complying with the rules specially provided for the same.

XXXI. The provisions contained in the present chapter shall not affect the exercise of the powers appertaining to the Emperor in times of war, or in cases of a national emergency.

XXXII. Each and every one of the provisions in the preceding Articles of the present chapter, that are not in



conflict with the laws or the rules and discipline of the Army and Navy, shall apply to the officers and men of the Army and of the Navy.

### CHAPTER III.—THE IMPERIAL DIET.

XXXIII. The Imperial Diet shall consist of two Houses—a House of Peers and a House of Representatives.

XXXIV. The House of Peers shall, in accordance with the Ordinance concerning the House of Peers, be composed of the members of the Imperial Family, or of the orders of nobility, and of those persons who have been nominated thereto by the Emperor.

XXXV. The House of Representatives shall be composed of members elected by the people, according to the provisions of the Law of Election.

XXXVI. No one can at one and the same time be a member of both Houses.

XXXVII. Every law requires the consent of the Imperial Diet.

XXXVIII. Both Houses shall vote upon projects of law submitted to it by the Government, and may respectively initiate projects of law.

XXXIX. A Bill, which has been rejected by either the one or the other of the two Houses, shall not be again brought in during the same session.

XL. Both Houses can make representations to the Government as to laws or upon any other subject. When, however, such representations are not accepted, they cannot be made a second time during the same session.

XLI. The Imperial Diet shall be convoked every year.

XLII. A session of the Imperial Diet shall last during three months. In case of necessity, the duration of a session may be prolonged by Imperial Order.

Art. XLIII. When urgent necessity arises, an extraordinary session may be convoked, in addition to the ordinary one.

The duration of an extraordinary session shall be determined by Imperial Order.

XLIV. The opening, closing, prolongation of session and prorogation of the Imperial Diet, shall be effected simultaneously for both Houses.

In case the House of Representatives has been ordered to dissolve, the House of Peers shall at the same time be prorogued.

XLV. When the House of Representatives has been ordered to dissolve, members shall be caused by Imperial Order to be newly elected, and the new House shall be convoked within five months from the day of dissolution.

XLVI. No debate can be opened, and no vote can be taken in either House of the Imperial Diet, unless at least one-third of the whole number of the members thereof is present.

XLVII. Votes shall be taken in both Houses by absolute majority. In the case of a tie vote, the President shall have the casting vote.

XLVIII. The deliberations of both Houses shall be held in public. The deliberations may, however, upon demand of the Government, or by resolution of the House, be held in secret sitting.

XLIX. Both Houses of the Imperial Diet may respectively present Addresses to the Emperor.

I. Both Houses may receive petitions presented by subjects.

II. Both Houses may enact, besides what is provided for in the present Constitution and in the Law of the Houses, rules necessary for the management of their internal affairs.

III. No member of either House shall be held responsible outside the respective Houses for any opinion uttered, or for any vote given in the House. When, however, a member himself has given publicity to his opinions by public speech, by documents in print or in writing, or by any other similar means, he shall, in the matter, be amenable to the general law.

IV. The members of both Houses shall, during the

session, be free from arrest, unless with the consent of the House, except in cases of flagrant delicts, or of offences connected with a state of internal commotion, or with a foreign complication.

LIV. The Ministers of State and the Delegates of the Government may, at any time, take seats and speak in either House.

#### CHAPTER IV.—THE MINISTERS OF STATE AND THE PRIVY COUNCIL.

LV. The respective Ministers of State shall give their advice to the Emperor, and be responsible for it.

All Laws, Imperial Ordinances, and Imperial Rescripts of whatever kind, that relate to the affairs of the State, require the countersignature of a Minister of State.

LVI. The Privy Councillors shall, in accordance with the provisions for the organisation of the Privy Council, deliberate upon important matters of State, when they have been consulted by the Emperor.

#### CHAPTER V.—THE JUDICATURE.

LVII. The Judicature shall be exercised by the Courts of Law, according to law, in the name of the Emperor.

The organisation of the Courts of Law shall be determined by law.

LVIII. The judges shall be appointed from among those who possess proper qualifications according to law.

No judge shall be deprived of his position, unless by way of criminal sentence or disciplinary punishment.

Rules for disciplinary punishment shall be determined by law.

LIX. Trials and judgments of a Court shall be conducted publicly. When, however, there exists any fear that such publicity may be prejudicial to peace and order, or to the maintenance of public morality, the public trial may be suspended by provisions of law or by the decision of the Court of Law.

IX. All matters that fall within the competency of a special Court shall be specially provided for by law.



LXI. No suit at law which relates to rights alleged to have been infringed by the illegal measures of the administrative authorities, and which shall come within the competency of the Court of Administrative Litigation specially established by law, shall be taken cognisance of by a Court of Law.

CHAPTER VI.—FINANCE.

LXII. The imposition of a new tax or the modification of the rates (of an existing one) shall be determined by law.

However, all such administrative fees or other revenue having the nature of compensation shall not fall within the category of the above clause.

The raising of national loans and the contracting of other liabilities to the charge of the National Treasury, except those that are provided for in the Budget, shall require the consent of the Imperial Diet.

LXIII. The taxes levied at present shall, in so far as they are not remodelled by a new law, be collected according to the old system.

LXIV. The expenditure and revenue of the State require the consent of the Imperial Diet by means of an annual Budget.

Any and all expenditures overpassing the appropriations set forth in the Titles and Paragraphs of the Budget, or that are not provided for in the Budget, shall subsequently require the approbation of the Imperial Diet.

LXV. The Budget shall be first laid before the House of Representatives.

LXVI. The expenditures of the Imperial House shall be defrayed every year out of the National Treasury, according to the present fixed amount for the same, and shall not require the consent thereto of the Imperial Diet, except in case an increase thereof is found necessary.

LXVII. Those already-fixed expenditures<sup>1</sup> based by the Constitution upon the powers appertaining to the Emperor,

1. See Doc. 27, of this section.

and such expenditures as may have arisen by the effect of law, or that appertain to the legal obligations of the Government, shall be neither rejected nor reduced by the Imperial Diet without the concurrence of the Government.

LXVIII. In order to meet special requirements, the Government may ask the consent of the Imperial Diet to a certain amount as a Continuing Expenditure Fund for a previously fixed number of years.

LXIX. In order to supply deficiencies, which are unavoidable, in the Budget, and to meet requirements unprovided for in the same, a Revenue Fund shall be provided for in the Budget.

LXX. When the Imperial Diet cannot be convoked, owing to the external or internal condition of the country, in case of urgent need for the maintenance of public safety, the Government may take all necessary financial measures by means of an Imperial Ordinance.

In the case mentioned in the preceding clause, the matter shall be submitted to the Imperial Diet at its next session, and its approbation shall be obtained thereto.

LXXI. When the Imperial Diet has not voted the Budget, or when the Budget has not been brought into actual existence, the Government shall carry out the Budget of the preceding year.

LXXII. The final account of the expenditures and revenue of the State shall be verified and confirmed by the Board of Audit, and it shall be submitted by the Government to the Imperial Diet, together with the report of verification of the said Board.

The organisation and competency of the Board of Audit shall be determined by law separately.

#### CHAPTER VII.—SUPPLEMENTARY RULES.

LXXIII. When it has become necessary in future to amend the provisions of the present Constitution, a project to that effect shall be submitted to the Imperial Diet by Imperial Ordinance.

In the above case, neither House can open the debate, unless not less than two-thirds of the whole number of members are present, and no amendment can be passed, unless a majority of not less than two-thirds of the members present is obtained.

LXXIV. No modification of the Imperial House Law shall be required to be submitted to the deliberation of the Imperial Diet.

No provision of the present Constitution can be modified by the Imperial House Law.

LXXV. No modification can be introduced into the Constitution, or into the Imperial House Law, during the time of a Regency.

LXXVI. Existing legal enactments, such as laws, regulations, ordinances, or by whatever names they may be called, shall, so far as they do not conflict with the present Constitution, continue in force.

All existing contracts or orders that entail obligations upon the Government, and that are connected with expenditure, shall come within the scope of Article LXVII.

*Official Translation.*

17. IMPERIAL OATH AT THE SANCTUARY OF THE IMPERIAL PALACE.

(Feb. 11, 1889.)

We, the Successor to the prosperous Throne of Our Predecessors, do humbly and solemnly swear to the Imperial Founder of Our House and to Our other Imperial Ancestors that, in pursuance of a great policy co-extensive with the Heavens and with the Earth, We shall maintain and secure from decline the ancient form of government.

In consideration of the progressive tendency of the course of human affairs and in parallel with the advance of civilization, We deem it expedient, in order to give clearness and distinct-



ness to the instructions bequeathed by the Imperial Founder of Our House and by Our other Imperial Ancestors, to establish fundamental laws formulated into express provisions of law, so that, on the one hand, Our Imperial posterity may possess an express guide for the course they are to follow, and that, on the other, Our subjects shall thereby be enabled to enjoy a wider range of action in giving Us their support, and that the observance of Our laws shall continue to the remotest ages of time. We will thereby to give greater firmness to the stability of Our country and to promote the welfare of all the people within the boundaries of Our dominions; and We now establish the Imperial House Law and the Constitution. These Laws amount to only an exposition of grand precepts for the conduct of the government, bequeathed by the Imperial Founder of Our House and by Our other Imperial Ancestors. That we have been so fortunate in Our reign, in keeping with the tendency of the times, as to accomplish this work, We owe to the glorious Spirits of the Imperial Founder of Our House and of Our other Imperial Ancestors.

We now reverently make Our prayer to Them and to Our Illustrious Father, and implore the help of Their Sacred Spirits, and make to Them solemn oath never at this time nor in the future to fail to be an example to Our subjects in the observance of the Laws hereby established.

May the Heavenly Spirits witness this Our solemn Oath.

*Official Translation.*

#### 18. THE IMPERIAL HOUSE LAW.

(Feb. 11, 1889.)

The Imperial Throne of Japan, enjoying the Grace of Heaven and everlasting from ages eternal in an unbroken line of succession, has been transmitted to Us through successive

reigns. The fundamental rules of Our Family were established once for all, at the time that Our Ancestors laid the foundations of the Empire, and are even at this day as bright as the celestial luminaries. We now desire to make the instructions of Our Ancestors more exact and express and to establish for Our posterity a House Law, by which Our House shall be founded in everlasting strength, and its dignity be forever maintained. We hereby, with the advice of Our Privy Council, give Our Sanction to the present Imperial House Law, to serve as a standard by which Our descendants shall be guided.

[His Imperial Majesty's Sign-Manual.]

[Privy Seal.]

#### CHAPTER I.—SUCCESSION TO THE IMPERIAL THRONE.

I. The Imperial Throne of Japan shall be succeeded to by male descendants in the male line of Imperial Ancestors.

II. The Imperial Throne shall be succeeded to by the Imperial eldest son.

III. When there is no Imperial eldest son, the Imperial Throne shall be succeeded to by the Imperial eldest grandson. When there is neither Imperial eldest son nor any male descendant of his, it shall be succeeded to by the Imperial son next in age, and so on in every successive case.

IV. For succession to the Imperial Throne by an Imperial descendant, the one of full blood shall have precedence over descendants of half blood. The succession to the Imperial Throne by the latter shall be limited to those cases only, when there is no Imperial descendant of full blood.

V. When there is no Imperial descendant, the Imperial Throne shall be succeeded to by an Imperial brother and by his descendants.

VI. When there is no such Imperial brother or descendant of his, the Imperial Throne shall be succeeded to by an Imperial uncle and by his descendants.

VII. When there is neither such Imperial uncle nor des-

endant of his, the Imperial Throne shall be succeeded to by the next nearest member among the rest of the Imperial Family.

VIII. Among the Imperial brothers and the remoter Imperial relations, precedence shall be given, in the same degree, to the descendants of full blood over those of half blood, and to the elder over the younger.

IX. When the Imperial heir is suffering from an incurable disease of mind or body, or when any other weighty cause exists, the order of succession may be changed in accordance with the foregoing provisions, with the advice of the Imperial Family Council and with that of the Privy Council.

#### CHAPTER II.—ASCENSION AND CORONATION.

X. Upon the demise of the Emperor, the Imperial heir shall ascend the Throne, and shall acquire the Divine Treasures of the Imperial Ancestors.

XI. The ceremonies of Coronation shall be performed and a Grand Coronation Banquet (*Daijōsai*) shall be held at Kyōto.

XII. Upon an ascension to the Throne, a new era shall be inaugurated, and the name of it shall remain unchanged during the whole reign, in agreement with the established rule of the 1st year of Meiji.

#### CHAPTER III.—MAJORITY, INSTITUTION OF EMPRESS AND OF HEIR-APPARENT.

XIII. The Emperor, the Kōtaishi and the Kōtaison shall attain their majority at eighteen full years of age.

XIV. Members of the Imperial Family, other than those mentioned in the preceding Article, shall attain their majority at twenty full years of age.

XV. The son of the Emperor who is Heir-apparent, shall be called "Kōtaishi." In case there is no Kōtaishi, the Imperial grandson who is Heir-apparent, shall be called "Kōtaison."

XVI. The institution of Empress and that of Kōtaison shall be proclaimed by the Imperial Rescript.



## CHAPTER IV.—STYLES OF ADDRESS.

XVII. The style of address for the Emperor, the Grand Empress Dowager, the Empress Dowager and of the Empress, shall be *His*, or *Her* or *Your Majesty*.

XVIII. The Kōtaishi and his consort, the Kōtaison and his consort, the Imperial Princes and their consorts, the Imperial Princesses, the Princes and their consorts, and the Princesses shall be styled *His*, *Her*, *Their*, or *Your Highness* or *Highnesses*.

## CHAPTER V.—REGENCY.

XIX. When the Emperor is a minor, a Regency shall be instituted.

When He is prevented by some permanent cause from personally governing, a Regency shall be instituted, with the advice of the Imperial Family Council and with that of the Privy Council.

XX. The Regency shall be assumed by the Kōtaishi or the Kōtaison, being of full age of majority.

XXI. When there is neither Kōtaishi nor Kōtaison, or when the Kōtaishi or the Kōtaison has not yet arrived at his majority, the Regency shall be assumed in the following order:—

1. An Imperial Prince or a Prince.
2. The Empress.
3. The Empress Dowager.
4. The Grand Empress Dowager.
5. An Imperial Princess or a Princess.

XXII. In case the Regency is to be assumed from among the male members of the Imperial Family, it shall be done in agreement with the order of succession to the Imperial Throne. The same shall apply to the case of female members of the Imperial Family.

XXIII. A female member of the Imperial Family to assume the Regency, shall be exclusively one who has no consort.

XXIV. When, on account of the minority of the nearest

related member of the Imperial Family, or for some other cause, another member has to assume the Regency, the latter shall not, upon the arrival at majority of the above mentioned nearest related member, or upon the disappearance of the aforesaid cause, resign his or her post in favour of any person other than of the Kōtaishi or of Kōtaison.

XXV. When a Regent or one who should become such, is suffering from an incurable disease of mind or body, or when any other weighty cause exists therefor, the order of the Regency may be changed, with the advice of the Imperial Family Council and with that of the Privy Council.

#### CHAPTER VI.—THE IMPERIAL GOVERNOR.

XXVI. When the Emperor is a minor, an Imperial Governor shall be appointed to take charge of His bringing up and of His education.

XXVII. In case no Imperial Governor has been nominated in the will of the preceding Emperor, the Regent shall appoint one, with the advice of the Imperial Family Council and with that of the Privy Council.

XXVIII. Neither the Regent nor any of his descendants can be appointed Imperial Governor.

XXIX. The Imperial Governor can not be removed from his post by the Regent, unless upon the advice of the Imperial Family Council and upon that of the Privy Council.

#### CHAPTER VII.—THE IMPERIAL FAMILY.

XXX. The term "Imperial Family" shall include the Grand Empress Dowager, the Empress Dowager, the Empress, the Kōtaishi and his consort, the Kōtaison and his consort, the Imperial Princes and their consorts, the Imperial Princesses, the Princes and their consorts, and the Princesses.

XXXI. From Imperial sons to Imperial great-grandsons, Imperial male descendants shall be called Imperial Princes; and from Imperial daughters to Imperial great-

great-granddaughters, Imperial female descendants shall be called Imperial Princesses. From the fifth generation downwards, they shall be called, male descendants Princes, female ones Princesses.

XXXII. When the Imperial Throne is succeeded to by a member of a branch line, the title of Imperial Prince or Imperial Princess shall be specially granted to the Imperial brothers and sisters, being already Princes or Princesses.

XXXIII. The births, namings, marriages and deaths in the Imperial Family shall be announced by the Minister of the Imperial Household.

XXXIV. Genealogical and other records relating to the matters mentioned in the preceding Article shall be kept in the Imperial archives.

XXXV. The members of the Imperial Family shall be under the control of the Emperor.

XXXVI. When a Regency is instituted, the Regent shall exercise the power of control referred to in the preceding Article.

XXXVII. When a member, male or female, of the Imperial Family is a minor and has been bereft of his or her father, the officials of the Imperial Court shall be ordered to take charge of his or her bringing up and education. Under certain circumstances, the Emperor may either approve the guardian chosen by his or her parent, or may nominate one.

XXXVIII. The guardian of a member of the Imperial Family must be himself a member thereof and of age.

XXXIX. Marriages of members of the Imperial Family shall be restricted to the circle of the Family, or to certain noble families specially approved by Imperial Order.

XL. Marriages of the members of the Imperial Family shall be subject to the sanction of the Emperor.

XLI. The Imperial writs sanctioning the marriages of members of the Imperial Family, shall bear the countersignature of the Minister of the Imperial Household.



XLII. No member of the Imperial Family can adopt any one as his son.

XLIII. When a member of the Imperial Family wishes to travel beyond the boundaries of the Empire, he shall first obtain the sanction of the Emperor.

XLIV. A female member of the Imperial Family, who has married a subject, shall be excluded from membership of the Imperial Family. However, she may be allowed, by the special grace of the Emperor, to retain her title of Imperial Princess or of Princess, as the case may be.

#### CHAPTER VIII.—IMPERIAL HEREDITARY ESTATES.

XLV. No landed or other property, that has been fixed as the Imperial Hereditary Estates, shall be divided up and alienated.

XLVI. The landed and other property to be included in the Imperial Hereditary Estates, shall be settled by Imperial writ, with the advice of the Privy Council, and shall be announced by the Minister of the Imperial Household.

#### CHAPTER IX.—EXPENDITURES OF THE IMPERIAL HOUSE.

XLVII. The expenditures of the Imperial House of all kinds shall be defrayed out of the National Treasury to a certain fixed amount.

XLVIII. The estimates and audit of accounts of the expenditures of the Imperial House and all other rules of the kind, shall be regulated by the Finance Regulations of the Imperial House.

#### CHAPTER X.—LITIGATIONS, DISCIPLINARY RULES FOR THE MEMBERS OF THE IMPERIAL FAMILY.

XLIX. Litigation between members of the Imperial Family shall be decided by judicial functionaries specially designated by the Emperor to the Department of the Imperial Household, and execution issued, after Imperial Sanction thereto has been obtained.

L. Civil actions brought by private individuals against members of the Imperial Family, shall be decided in the Court of Appeal in Tōkyō. Members of the Imperial Family shall, however, be represented by attorneys, and no personal attendance in the Court shall be required of them.

LI. No member of the Imperial Family can be arrested, or summoned before a Court of Law, unless the sanction of the Emperor has been first obtained thereto.

LII. When a member of the Imperial Family has committed an act derogatory to his (or her) dignity, or when he has exhibited disloyalty to the Imperial House, he shall, by way of disciplinary punishment and by order of the Emperor, be deprived of the whole or of a part of the privileges belonging to him as a member of the Imperial Family, or shall be suspended therefrom.

LIII. When a member of the Imperial Family acts in a way tending to the squandering of his (or her) property, he shall be pronounced by the Emperor, prohibited from administering his property, and a manager shall be appointed therefor.

LIV. The two foregoing Articles shall be sanctioned, upon the advice of the Imperial Family Council.

#### CHAPTER XI.—THE IMPERIAL FAMILY COUNCIL.

LV. The Imperial Family Council shall be composed of the male members of the Imperial Family, who have reached the age of majority. The Lord Keeper of the Privy Seal, the President of the Privy Council, the Minister of the Imperial Household, the Minister of State for Justice and the President of the Court of Cassation shall be ordered to take part in the deliberations of the Council.

LVI. The Emperor personally presides over the meeting of the Imperial Family Council, or directs one of the members of the Imperial Family to do so.

## CHAPTER XII.—SUPPLEMENTARY RULES.

LVII. Those of the present members of the Imperial Family of the fifth generation and downwards, who have already been invested with the title of Imperial Prince, shall retain the same as heretofore.

LVIII. The order of succession to the Imperial Throne shall in every case relate to the descendants of absolute lineage. There shall be no admission to this line of succession to any one, as a consequence of his now being an adopted Imperial son, Kōyūshi or heir to a princely house.

LIX. The grades of rank among the Imperial Princes, Imperial Princesses, Princes and Princesses shall be abolished.

LX. The family rank of Imperial Princes and all usages conflicting with the present Law, shall be abolished.

LXI. The property, annual expenses and all other rules concerning the members of the Imperial Family, shall be specially determined.

LXII. When in the future it shall become necessary either to amend or make additions to the present Law, the matter shall be decided by the Emperor, with the advice of the Imperial Family Council and with that of the Privy Council.

*Official Translation.*

## 19. IMPERIAL ORDINANCE CONCERNING THE HOUSE OF PEERS.

(Feb. 11, 1889.)

We, in accordance with the express provision of the Constitution of the Empire of Japan, hereby promulgate, with the advice of Our Privy Council, the present Ordinance concerning the House of Peers; as to the date of its being carried out, We shall issue a special order.

[His Imperial Majesty's Sign-Manual.]

[Privy Seal.]



I. The House of Peers shall be composed of the following Members.

1. The members of the Imperial Family.
2. Princes and Marquises.
3. Counts, Viscounts and Barons who have been elected thereto by the members of their respective orders.
4. Persons who have been specially nominated by the Emperor, on account of meritorious services to the State or of erudition.
5. Persons who have been elected, one Member for each Fu (City) and Ken (Prefecture), by and from among the tax payers of the highest amount of direct national taxes on land, industry or trade therein, and who have afterwards been nominated thereto by the Emperor.

II. The male members of the Imperial Family shall take seats in the House on reaching their majority.

III. The members of the orders of Princes and of Marquises shall become Members on reaching the age of full twenty-five years.

IV. The members of the orders of Counts, Viscounts and Barons that, after reaching the age of full twenty-five years, have been elected by the members of their respective orders, shall become Members for a term of seven years. Rules for their election shall be specially determined by Imperial Ordinance.<sup>1</sup>

The number of Members mentioned in the preceding clause, shall not exceed the one-fifth of the entire number of the respective orders of Counts, Viscounts and Barons.

V. Any man of above the age of full thirty years, who has been nominated Member by the Emperor for meritorious services to the State or for erudition, shall be a life Member.

VI. One Member shall be elected in each Fu and Ken from among and by the fifteen male inhabitants thereof of above the age of full thirty years, paying therein the highest amount of direct national taxes on land, industry or trade. When the

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1. *Infra*, Document 24 of this section.

person thus elected receives his nomination from the Emperor, he shall become Member for a term of seven years. Rules for such election shall be specially determined by Imperial Ordinance.<sup>1</sup>

VII. The number of Members, that have been nominated by the Emperor, for meritorious services to the State, or for erudition, or from among men paying the highest amount of direct national taxes on land, industry or trade in each Fu or Ken, shall not exceed the number of the Members having the title of nobility.

VIII. The House of Peers shall, when consulted by the Emperor, vote upon rules concerning the privileges of the nobility.

IX. The House of Peers decides upon the qualification of its Members and upon disputes concerning elections thereto. The rules for these decisions shall be resolved upon by the House of Peers and submitted to the Emperor for His sanction.

X. When a Member has been sentenced to confinement, or to any severer punishment, or has been declared bankrupt, he shall be expelled by Imperial Order.

With respect to the expulsion of a Member, as a disciplinary punishment in the House of Peers, the President shall report the facts to the Emperor for His decision.

Any Member that has been expelled shall be incapable of again becoming a Member, unless permission so to do has been granted by the Emperor.

XI. The President and Vice-President shall be nominated by the Emperor, from among the Members, for a term of seven years.

If an elected Member is nominated President or Vice-President, he shall serve in that capacity for the term of his membership.

XII. Every matter, other than what provision has been

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1. *Infra*, Document 25 of this section.

made for in the present Imperial Ordinance, shall be dealt with according to the provisions of the Law of the Houses.

XIII. When in the future any amendment or addition is to be made in the provisions of the present Imperial Ordinance, the matter shall be submitted to the vote of the House of Peers.

*Official Translation.*

## 20. THE LAW OF THE HOUSES.

(Feb. 11, 1889.)

We, with the advice of Our Privy Council, hereby give Our Sanction to the present Law of the Houses and order it to be promulgated, and at the same time direct that, from the day of the institution of the House of Peers and of the House of Representatives, all affairs connected with either the one or the other of them, be conducted in accordance with the present Law.

[His Imperial Majesty's Sign-Manual.]

[Privy Seal.]

### CHAPTER I.—CONVOCATION, ORGANISATION AND OPENING OF THE IMPERIAL DIET.

I. An Imperial Proclamation for the convocation of the Imperial Diet, fixing the date of its assembling, shall be issued at least forty days beforehand.

II. The Members shall assemble in the Hall of their respective Houses, upon the day of convocation specified in the Imperial Proclamation.

III. The President and Vice-President of the House of Representatives shall both of them be nominated by the Emperor, from among three candidates respectively elected by the House for each of those offices.



Until the nomination of the President and Vice-President, the functions of President shall be discharged by the Chief Secretary.

IV. Each House shall divide the whole number of its Members into several Sections by lot, and in each Section a Chief shall be elected by and from among the Members belonging thereto.

V. Upon the organization of both Houses, the day for the opening of the Imperial Diet shall be fixed by Imperial Order, and the ceremony of opening shall be celebrated by the assembling of the Members of both Houses in the House of Peers.

VI. On the occasion referred to in the preceding Article, the functions of President shall be exercised by the President of the House of Peers.

#### CHAPTER II.—PRESIDENT, SECRETARIES, AND EXPENSES.

VII. There shall be in each House a President and a Vice-President.

VIII. The term of office of the President and of the Vice-President of the House of Representatives, shall be the same as that of the membership thereof.

IX. When the office of President or of Vice-President of the House of Representatives has become vacant by the resignation of the occupant thereof or for any other reason, the term of office of his successor shall be in correspondence with that of his predecessor.

X. The President of each House shall maintain order therein, regulate the debates and represent the House outside thereof.

XI. The President of each House shall continue to assume the direction of the business of the House during the interval that the Diet is not in session.

XII. The President shall be entitled to attend and take part in the debates of the Standing and of the Special Committees, but he shall have no vote therein.

XIII. In each House, in the event of the disability of the President, he shall be represented in his functions by the Vice-President.

XIV. In each House, in the event of the disability of both the President and of the Vice-President at the same time, a temporary President shall be elected to exercise the functions of President.

XV. The President and the Vice-President of each House shall, upon the expiration of their term of office, continue to exercise their functions, until their successors have been nominated by the Emperor.

XVI. In each House there shall be appointed a Chief Secretary and several Secretaries.

The Chief Secretary shall be of *chokunin* rank, and the Secretaries, of *sonin* rank.

XVII. The Chief Secretary shall, under the direction of the President, supervise the business of the Secretaries and append his signature to official documents.

The Secretaries shall compile the records of debates, make drafts of other documents and manage business generally.

Required functionaries other than Secretaries shall be appointed by the Chief Secretary.

XVIII. The expenses of both Houses shall be defrayed out of the National Treasury.

#### CHAPTER III.—THE ANNUAL ALLOWANCES TO THE PRESIDENT, VICE-PRESIDENT, AND MEMBERS.

XIX. The Presidents of the respective Houses shall receive each an annual allowance of four thousand *yen* and the Vice-Presidents, that of two thousand *yen* each; while such Members of the House of Peers as have been elected thereto, and such as have been nominated thereto by the Emperor, and the Members of the House of Representatives, shall each receive an annual allowance of eight hundred *yen*. They shall also receive travelling expenses in accordance with regulations to be specially

provided. Members, however, who do not comply with the summons of convocation, shall receive no annual allowance.

The President, Vice-Presidents and Members shall not be allowed to decline their respective annual allowances.

Members who are in the service of the Government shall receive no such annual allowances.

In the case mentioned in Article XXV., the Members concerned shall receive, in addition to the annual allowance mentioned in the first clause of the present Article, an allowance of not more than five *yen per diem*, in accordance with the schedule determined by the respective Houses.

#### CHAPTER IV.—COMMITTEES.

XX. Committees shall be of three kinds, a Committee of the Whole House, and Standing and Special Committees.

The Committee of the Whole House is composed of the whole number of the Members of the House.

The Standing Committee shall be divided into several branches according to the requirements of business; and in order to engage in the examination of matters falling within its province, the several Sections shall, from among the Members of the House, respectively elect an equal number of members to the Standing Committee. The term of the Standing Committee shall last during a single session only.

The Special Committees shall be chosen by the House and specially entrusted with the examination of certain particular matters.

XXI. The Chairman of the Committee of the Whole House, shall be elected for each session at the beginning of the same.

The Chairman of both the Standing and Special Committees shall be respectively elected at the meetings of the Committees, by and from among the members thereof.

XXII. No debate can be opened nor can any resolution be passed by the Committee of the Whole House, unless more than one-third of the entire number of the Members of the



House is present or by either the Standing or by the Special Committees, unless more than one-half of the members of the same is present.

XXIII. No stranger, other than Members of the House, shall be admitted to the meetings of either the Standing or of the Special Committees. Members may also be excluded from such meetings by resolution of the respective Committees.

XXIV. The Chairman of each Committee shall report to the House concerning the proceedings and results of the meetings of the Committee over which he presides.

XXV. Each House may, at the request or with the concurrence of the Government, cause a Committee to continue the examination of Bills during the interval when the Diet is not sitting.

#### CHAPTER V.—SITTINGS.

XXVI. The President of each House shall determine the orders of the day and report the same to the House over which he presides.

In the orders of the day, the Bills brought in by the Government shall have precedence, except when the concurrence of the Government has been obtained to the contrary, in case of urgent necessity for debates.

XXVII. A project of law shall be voted upon, after it has passed through three readings. But the process of three readings may be omitted, when such a course is demanded by the Government or by not less than ten Members, and agreed to by a majority of not less than two-thirds of the Members present in the House.

XXVIII. Bills brought in by the Government shall never be voted upon, without having been first submitted to the examination of a Committee. But it may happen otherwise, when it is so demanded by the Government, in cases of urgent necessity.

XXIX. When a Member moves to introduce a Bill or to make an amendment of a Bill, such motion shall not be made

the subject of debate, unless it is supported by not less than twenty Members.

XXX. The Government shall be at liberty at any time to either amend or withdraw any Bill which it has already brought in.

XXXI. All Bills shall, through the medium of a Minister of State, be presented to the Emperor by the President of that House, in which the Bill has been last voted upon.

When, however, a Bill originating in either one of the Houses has been rejected in the other, the rule set forth in the second clause of Article LIV. shall be followed.

XXXII. Bills which, after having been passed by both Houses of the Diet and presented to the Emperor, may receive His sanction, shall be promulgated before the next session of the Diet.

#### CHAPTER VI.—PROROGATION AND CLOSING.

XXXIII. The Government may at any time order the prorogation of either House for a period of not more than fifteen days.

When either House again meets after the termination of the prorogation, the debates of the last meeting, shall be continued.

XXXIV. In case the House of Peers is ordered to prorogue on account of the dissolution of the House of Representatives, the rule set forth in the second clause of the preceding Article shall not apply.

XXXV. Bills, representations and petitions, that have not been voted upon up to the time of the closing of the Imperial Diet, shall not be continued at the next session. It is, however, otherwise in the case mentioned in Article XXV.

XXXVI. The closing of the Diet shall be effected in a joint meeting of both Houses, in accordance with Imperial Order.

## CHAPTER VII.—SECRET SITTINGS.

XXXVII. In the following cases, the sittings of either House may be held with closed doors:—

1. Upon motion of either the President or of not less than ten Members and agreed to by the House.
2. Upon the demand of the Government.

XXXVIII. When a motion to go into secret sitting is made either by the President or by not less than ten Members, the President shall cause the strangers to withdraw from the House, and shall then proceed, without debate, to a division upon the motion.

XXXIX. The proceedings of a secret sitting shall not be made public.

## CHAPTER VIII.—THE PASSING OF THE BUDGET.

XL. When the Budget is brought into the House of Representatives by the Government, the Committee on the Budget shall finish the examination of the same, within fifteen days from the day on which it received it, and report thereon to the House.

XLI. No motion for an amendment to the Budget can be made the subject of debate at a sitting of the House, unless it is supported by not less than thirty Members.

CHAPTER IX.—THE MINISTERS OF STATE AND THE  
DELEGATES OF THE GOVERNMENT.

XLII. The Ministers of State and the Delegates of the Government shall be allowed at any time to speak. But the speech of no Member shall be interrupted that they may do so.

XLIII. When a Bill has been referred in either House to a Committee, the Ministers of State and the Delegates of the Government may attend the meetings of the Committee and there express their opinions.

XLIV. A Committee in meeting may, through the President, demand explanations from the Delegates of the Government.



XLV. The Ministers of State and the Delegates of the Government, except such of them as are Members of the House, shall have no vote in the House.

XLVI. When a meeting of either a Standing or of a Special Committee is to be held, the Chairman thereof shall every time report the fact to the Ministers of State and to the Delegates of the Government concerned in the matter to be considered.

XLVII. The orders of the day and the notices relating to debates shall, simultaneously with the distribution thereof among the Members, be transmitted to the Ministers of State and to the Delegates of the Government.

#### CHAPTER X.—QUESTIONS.

XLVIII. When a Member in either House desires to put a question to the Government, he shall be required to obtain the support of not less than thirty Members.

In putting such question, the Member [proposing it shall draw up a concise memorandum and present it to the President, after he shall have signed it conjointly with the supporters.

XLIX. The President shall transmit the memorandum on questions to the Government. A Minister of State shall then either immediately answer the questions, or fix the date for making such answer, and when he does not do so, he shall explicitly state his reasons therefor.

L. When an answer has been or has not been obtained from a Minister of State, any Member may move a representation concerning the affairs of the questions.

#### CHAPTER XI.—ADDRESSES AND REPRESENTATIONS.

LI. When either House desires to present an address to the Emperor, it shall be presented by it in writing; or the President may be directed, as the representative of the House, to ask an audience of the Emperor, and present the same to Him.

The representations of either House to the Government shall be presented in writing.

LII. No motion for such address and representation shall be made the subject of debate in either House, unless not less than thirty Members support it.

CHAPTER XII.—THE RELATIONS OF THE TWO HOUSES  
OF THE DIET TO EACH OTHER.

LIII. With the exception of the Budget, the Bills of the Government may be brought in either one of the Houses first, according to the convenience of the case.

LIV. When a Government Bill has been passed in either House with or without amendment, it shall then be carried into the other House. When the second House either concurs in or dissents from the vote of the first House, it shall, simultaneously with addressing the Emperor, report to the first House.

In case a Bill introduced by either House is rejected by the other House, the second House shall report the fact to the first House.

LV. When either House makes amendments to a Bill carried into it from the other House, the Bill as amended shall be returned to the first House. When the first House agrees to the amendments, it shall, simultaneously with addressing the Emperor, report to the Second House. When, on the other hand, the first House does not agree to such amendments, it may demand a conference of the two Houses.

When either House demands a conference, the other House can not refuse it.

LVI. Both Houses shall elect an equal number, not more than ten, of Managers to meet in conference. When the Bill in question has been adjusted in the conference, the adjusted Bill shall be discussed first in that House, which has either received it from the Government or had initiated it, and the Bill is then carried to the other House.

No motion for amendments can be made to a Bill that has been adjusted in a conference.

LVII. The Ministers of State, the Delegates of the Govern-

nment and the Presidents of both Houses, are at liberty to attend a conference of the two Houses and to express their opinions thereat.

LVIII. No strangers are allowed to be present at a conference of the two Houses.

LIX. At a conference of the two Houses, the vote shall be taken by secret ballot. In the event of a tie vote, the Chairman shall have the casting vote.

LX. The Managers from the two Houses shall separately elect one of themselves Chairman of the conference. The Chairmen thus elected shall occupy the chair at alternate meetings of the conference. The Chairmanship of the first meeting shall be settled by the drawing of lots.

LXI. All other regulations besides what is provided for in the present Chapter, as to any business in which both Houses are concerned, shall be determined by a conference of the two Houses.

#### CHAPTER XIII.—PETITIONS.

LXII. All petitions addressed to either House by people shall be received through the medium of a Member.

LXIII. Petitions shall be submitted, in either House, to the examination of the Committee on Petitions.

When the Committee on Petitions considers that a petition is not in conformity which the established rules, the President shall return it through the Member, through whose medium it was originally presented.

LXIV. The Committee on Petitions shall compile a list, in which shall be noted the essential points of each petition, and shall report once a week to the House.

When it is asked for by a special report of the Committee on Petitions or by not less than thirty Members of the House, either House may proceed to debate on the matter of the petition in question.

● LXV. When either House passes a vote to entertain a petition, the petition shall then be sent to the Government,



together with a memorial of the House thereon, and the House may, according to circumstances, demand a report thereon of the Government.

LXVI. Neither House can receive a petition presented by a proxy, excepting when such proxy is a party recognized by law as an artificial person.

LXVII.—Neither House can receive petitions for amending the Constitution.

LXVIII. Petitions shall be in the form and style of a prayer. No petition, that is not entitled such, or that does not conform with the proper form and style, shall be received by either House.

LXIX. Neither House can receive a petition that contains words of disrespect towards the Imperial Family or those of insult to the Government or the House.

LXX. Neither House can receive petitions interfering with the administration of justice or with administrative litigation.

LXXI. Both Houses shall separately receive petitions and shall not interfere each with the other in such matters.

CHAPTER XIV.—THE RELATIONS BETWEEN THE HOUSES  
AND THE PEOPLE, THE GOVERNMENT OFFICES  
AND THE LOCAL ASSEMBLIES.

LXXII. Neither House is allowed to issue notifications to the people.

LXXIII. Neither House is allowed, for the prosecution of examinations, to summon persons or to direct a Member to repair outside the precincts of the House.

LXXIV. When either House, for the purposes of examinations, asks the Government for necessary reports or documents, the Government shall comply, provided such reports or documents do not relate to any secret matter.

LXXV. Other than with the Ministers of State and the Delegates of the Government, neither House can hold any correspondence with any Government Office or with any Local Assembly.

CHAPTER XV.—RETIREMENT AND OBJECTIONS TO  
THE QUALIFICATION OF MEMBERS.

LXXVI. When a Member of the House of Representatives has been appointed a Member of the House of Peers, or has received an official appointment, which by law disables him from being a Member, he shall be considered as retired.

LXXVII. When a Member of the House of Representatives has lost any of the qualifications of eligibility mentioned in the Law of Election, he shall be considered as retired.

LXXVIII. When an objection is raised in the House of Representatives as to the qualifications of any of its Members, a Special Committee shall be appointed to examine into the matter upon a specified day, and the resolution of the House shall be taken upon the receipt of the report of the said Committee.

LXXIX. Whenever, in a Court of Law, legal proceedings pertinent to an election suit have been commenced, the House of Representatives cannot institute enquiries on the same matter.

LXXX. Until the disqualification of a Member has been proved, he shall not lose either his seat or his vote in the House. In debates relating to enquiries into his own qualifications, a Member, though at liberty to offer explanations, cannot take part in voting thereon.

CHAPTER XVI.—LEAVE OF ABSENCE, RESIGNATION,  
AND SUBSTITUTIONAL ELECTIONS.

LXXXI. The President of either House shall have the power to grant to Members a leave of absence for a period not exceeding a week. As to a leave of absence for a period of more than a week, permission may be given by the House. No permission shall be given for a leave of absence for an unlimited period of time.

LXXXII. No Member of either House can absent himself from the meetings of the House or of a Committee, without forwarding to the President a notice setting forth proper reasons therefor.

LXXXIII. The House of Representatives shall have power to accept the resignation of a Member.

LXXXIV. When, from any cause whatever, a vacancy occurs among the Members of the House of Representatives, the President shall report the fact to the Minister of State for Home Affairs, demanding a substitutional election.

#### CHAPTER XVII.—DISCIPLINE, AND POLICE.

LXXXV. For the maintenance of discipline in either House during its session, the power of internal police shall be exercised by the President, in accordance with the present Law and such regulations as may be determined in the respective Houses.

LXXXVI. Police officials required by either House, shall be provided by the Government and put under the direction of the President.

LXXXVII. When, during a meeting of the House, any Member infringes the present Law or the rules of debate, or in any way disturbs the order of the House, the President shall either warn him, stop him, or order him to retract his remarks. When he fails to obey the order of the President, the latter shall have the power either to prohibit him from speaking during the remainder of the meeting, or to order him to leave the Hall.

LXXXVIII. When the House is in a state of excitement and it is found difficult to maintain order, the President shall have power either to suspend the meeting or close it for the day.

LXXXIX. When any stranger disturbs the debate, the President may order him to leave the House, and in case of necessity, may cause him to be handed over to a police office.

When the strangers' gallery is in a state of commotion, the President may order all strangers to leave the House.

XC. When any person disturbs the order of the House, the Ministers of State, the Delegates of the Government and the Members, may call the attention of the President thereto.



XCI. In neither House shall the utterance of expressions or the making of speeches, implying disrespect to the Imperial House be allowed.

XCII. In neither House, shall the use of coarse language or personalities be allowed.

XCIII. When any Member has been vilified or insulted either in the House or at a meeting of a Committee, he shall appeal to the House and demand that proper measures be taken. There shall be no retaliation among Members.

#### CHAPTER XVIII.—DISCIPLINARY PUNISHMENTS.

XCIV. Both Houses shall have the power to mete out disciplinary punishment to the respective Members.

XCV. In each House there shall be instituted a Committee on Disciplinary Punishment for making enquiries into cases of disciplinary punishment.

When a case for disciplinary punishment occurs, the President shall in the first place instruct the Committee to enquire into the matter, and shall deliver sentence after having submitted the case to the consideration of the House.

When a case for disciplinary punishment occurs at a meeting of a Committee or in a Section, the Chairman of the Committee or the Chief of the Section shall report the matter to the President and require measures to be taken thereon.

XCVI. Disciplinary punishments shall be as follows:—

1. Reprimands at an open meeting of the House.
2. Expression by the offender of a proper apology at an open meeting of the House.
3. Suspension of the offender from presence in the House for a certain length of time.
4. Expulsion.

In the House of Representatives expulsion shall be decided upon by a majority vote of more than two-thirds of the Members present.

XCVII. The House of Representatives shall have no

power to deny a seat to a Member that has been expelled when he shall have been re-elected.

XCVIII. Any Member shall with the support of not less than twenty Members have the right to make a motion for the infliction of a disciplinary punishment.

A motion for a disciplinary punishment shall be made within three days from the commission of the offence.

XCIX. When, for non-compliance without substantial reasons with the Imperial Proclamation of convocation within one week from the date specified therein, or for absence without good reasons from the meetings of the House or of a Committee, or for having exceeded the period of his leave of absence, a Member has received a summons from the President and still persists in delaying his appearance without good grounds for so doing for one week after the receipt of the said summons he shall in the House of Peers be suspended from taking his seat, and the matter shall be submitted to the Emperor for His decision. In the House of Representatives, such a Member shall be expelled therefrom.

*Official Translation.*

## 21. THE LAW OF ELECTION.

(Feb. 11, 1889.)

We, with the advice of Our Privy Council, give Our Sanction to the Law of Election of the Members of the House of Representatives and to the Appendix thereof, and order the same to be promulgated, and We at the same time order that, from the year of the convocation of the Imperial Diet, elections be carried out in accordance with the present Law.

[His Imperial Majesty's Sign-Manual.]

[Privy Seal.]

## CHAPTER I.—ELECTION DISTRICTS.

I. The Members of the House of Representatives shall be elected in the election districts of each Fu (City) and Ken (Prefecture). The election districts, and the number of Members to be elected in each district, are set forth in the Appendix of the present Law.

II. The Governor of a Fu or of a Ken shall superintend elections in the election districts in his Fu or Ken.

Elections in an election district shall be superintended either by the Guncho (Head of Rural District)<sup>1</sup> or by the Shicho (Head of Municipality) in the capacity of Chairman of Election.

III. When an election district extends over more than one Gun (Rural District) or Shi (Municipality), the Governor of the Fu or Ken shall appoint one of the Guncho or one of the Shicho for the Chairman of Election.

IV. When there are more than one election district within the limits of a Shi, the Governor of the Fu or Ken shall appoint the Kucho (Head of Urban District)<sup>2</sup> for the Chairman of Election.

V. Expenses of election shall be defrayed out of the local taxes.

## CHAPTER II.—QUALIFICATIONS OF ELECTORS.

VI. Every elector is required to possess the following qualifications :—

1. He must be a male Japanese subject and be not less than full twenty-five years of age.

2. He must have fixed his permanent residence and actually resided in the Fu or Ken for not less than one year previous to the date of the drawing up of the electoral list, and must be still residing therein.

3. For not less than one year previous to the date of the making out of the electoral list he must have been

1. In other parts of this collection of documents, I have translated "gun" by "Rural Division," and guncho by "Rural Divisional Magistrate."

2. "Ku" I have uniformly rendered by "Urban Division," and "Kucho" by "Urban Divisional Magistrate," and "Shicho" by "Mayor."



paying in the Fu or Ken direct national taxes<sup>1</sup> to the amount of not less than fifteen *yen*, and must be still paying the same.

But in the case of income tax, he must have been paying it for not less than full three<sup>2</sup> years previous to the same date, and must be still paying it.

VII. In the case of a person that has succeeded to an estate by inheritance, the amount of taxes paid on the estate by his predecessor shall be counted in for his qualification.

### CHAPTER III.—QUALIFICATIONS OF ELIGIBLE PERSONS.

VIII. Those alone shall be eligible that are male Japanese subjects of not less than full thirty years of age, and that in the Fu or Ken in which they desire to be elected have been paying direct national taxes to an amount of not less than fifteen *yen* for a period of not less than one year previous to the date of the making out of the electoral list, and that are still paying that amount of direct national taxes.

As to income tax, however, it is required that eligible persons shall have been paying it for a period of not less than three years previous to the date of the making out of the electoral list, and that they be still paying it.

IX. Officials in the Imperial Household Department, Officials of Justice, Auditors, Revenue Officials and Police Officials shall not be eligible.

Officials other than those enumerated in the preceding clause may, so long as their official functions are not thereby interfered with, serve as Members, retaining their official position.

X. The Officials of a Fu, Ken or Gun shall not be eligible within the limits of the jurisdiction of their respective offices.

1. By Imperial Ordinance No. 41, March 26, 1889, this phrase was defined as referring to "the Land Tax and the Income Tax."

2. In the light of the interpretation the phrase "direct national taxes" as given above, the only explanation of this provision was the desire to discriminate in favor of the landed as contrasted with the monied class. Cf. Article VIII, clause 2.

XI. The officers of a Shi, Town or Village engaged in the management of an election shall not be eligible within their respective election districts.

XII. Shinto priests and priests and teachers of religion of all kinds shall be ineligible.

XIII. When a member of a Fu or Ken Assembly has been elected Member of the House of Representatives, and has accepted the election, he shall resign his former seat.

CHAPTER IV.—RULES APPLICABLE IN COMMON TO ELECTORS AND TO ELIGIBLE PERSONS.

XIV. Any person falling within any of the following categories shall be disqualified as elector or as eligible person:—

1. Lunatics and idiots.
2. Undischarged bankrupts.
3. Persons who have been deprived of public rights or whose public rights are suspended.
4. Those who have been sentenced to confinement, when full three years have not yet elapsed since the completion or pardon of their sentences.
5. Persons who have been sentenced by the old Criminal Law to penal servitude for not less than one year, or to imprisonment for a political offence for not less than one year, when full three years have not yet elapsed since the completion or pardon of their sentences.
6. Persons who have been punished for gambling, when full three years have not yet elapsed since the completion or pardon of their sentences.
7. Persons whose right to elect and to be elected is suspended on account of an offence connected with an election.

XV. Men in the Army or in the Navy cannot exercise the right to elect or to be elected while they are in actual service. The same rule applies to those who have temporarily retired from actual service or who have been suspended therefrom.

XVI. The toshu (pater-familias) of families of nobility shall be incapable of electing or of being elected Members of the House of Representatives.

XVII. Any person against whom a criminal prosecution

has been brought and who is in detention or is under bail shall be incapable of exercising the right to elect or to be elected until the completion of the proceedings.

#### CHAPTER V.—ELECTORAL LIST.

XVIII.—The Chairman of Election shall cause the Chocho (Head of a Town) and the Soncho (Head of a Village) of an election district to make a list of all the persons in the district having qualifications to elect, and make out two copies thereof by the 1st of April in each year: one of the copies shall be forwarded to the Chairman of Election before the 20th of the same month.

In this electoral list shall be entered the name, official rank, profession, class, residence and date of birth of each elector, and the total amount of direct national taxes paid by him, and the place in which such taxes are paid.

XIX. In a Shi, the electoral list shall be made out in the following manner:—

1. When the whole Shi or a Ku (Urban District) thereof constitutes an election district, the Chairman of Election shall compile the electoral list.

2. When several Ku of a Shi are united into one election district, the Kucho of each Ku shall compile the electoral list for his respective district, and forward it to the Chairman of Election.

3. When, in case Gun and Shi are united into one election district, the Guncho assumes the functions of Chairman of Election, the Shicho shall compile the electoral list and forward it to the Chairman of Election.

4. In the case mentioned in the last clause, when the Shicho serves as Chairman of Election he shall compile the electoral list of the Shi.

XX. When an elector is paying direct national taxes without the limits of the election district in which he is residing, he shall obtain to that effect the certificate of the Chocho, Soncho, Shicho or Kucho, of the place in which he is paying such taxes, and forward it before the date for the compilation



of the electoral list to the Chocho, Soncho, Shicho or Kucho entrusted with the management of the voting.

XXI. The Chairman of Election shall amalgamate into one all the electoral lists forwarded by the respective Chocho, Soncho, Shicho or Kucho, making one list for each election district. He shall keep it in the Gun, Shi, or Ku Office concerned in the management of the election, and send a duplicate of it to the Governor of the Fu or Ken.

XXII. The Chairman of Election shall during fifteen days commencing from the 5th of May in each year exhibit for public inspection a copy of the electoral list of each election district in the Gun, Shi or Ku Office concerned in the management of the election.

XXIII. When any one possessing the qualifications to elect, discovers an omission or the wrong registration of a name in an electoral list, he may claim that correction be made by giving to the Chairmen of Election during the period of public inspection written notice and his reasons therefor, together with corroborative evidence.

After the expiration of the period for public inspection, no notice mentioned in the foregoing clause shall be entertained.

XXIV. Upon the receipt of a notice about omission, the Chairman of Election shall examine the reasons alleged and the evidence adduced, and shall give his decision within twenty days from the receipt of such notice. When he decides the notice to be relevant, he shall immediately register the name omitted, and communicate the circumstances to the Chocho, Soncho, Shicho or Kucho of the place in which the person in question is residing, at the same time publishing the fact in the election district.

XXV. Upon the receipt of a notice of wrong registration, the Chairman of Election shall examine the reasons alleged and evidence adduced, and in case of necessity shall summon and examine the person who has given the said notice and the one concerning whom the notice has been given. The matter

shall be decided within twenty days from the receipt of the notice, and when it is decided to have been a wrong registration it shall be at once erased and the circumstances communicated to the Chocho, Soncho, Shicho or Kucho of the place in which the person in question is residing, at the same time publishing the fact in the election district.

XXVI. When either the person who has given the notice or the person about whom it has been given is not satisfied with the decision of the Chairman of Election, he may within seven days from the day on which the said decision was given, institute against the Chairman of Election a suit in a Court of First Instance.

XXVII. Upon the receipt of the suit mentioned in the preceding Article, the Court shall promptly proceed to the trial of the case, irrespective of its calendar.

XXVIII. No appeal is allowed against the judgment of the Court of First Instance mentioned in the preceding Article, but it is permissible to bring an appeal to the Court of Cassation for revision.

XXIX. The 15th of June shall be the date on which the electoral list shall be finally settled, and it shall be maintained as it then may be until the day of compilation the following year. When, however, any correction is to be made in pursuance of the judgment of a Court of Law, the Chairman of Election shall make the said correction within twenty-four hours from the receipt of such judgment, and shall communicate the circumstance to the Chocho, Soncho, Shicho or Kucho of the place in which the person who has given the notice, or the one about whom the notice has been given, is residing, at the same time publishing the facts within the election district.

#### CHAPTER VI.—DATE OF ELECTION AND VOTING PLACE.

XXX. Voting shall take place ordinarily on the 1st day of July. In the case, however, of the dissolution of the House of Representatives, the date of an extraordinary election shall

be fixed and proclaimed by Imperial Ordinance at least thirty days beforehand

XXXI. The voting place shall be opened in the Town or Village Office or in some other place named by the Chocho or the Soncho, and shall be put under the management of the Chocho or Soncho.

XXXII. When the number of electors in a Town or a Village is not numerous enough to require the opening of a voting place, several Towns or several Villages or both may be united for the purpose.

In this case the Guncho shall, subject to the approval of the Governor of the Fu or Ken, determine the Towns or Villages to be thus united, the voting places, and the Chocho or Soncho under whose management the voting place is to be put.

XXXIII. The Chocho or the Soncho shall nominate not less than two and not more than five witnesses from among the electors of the election district under his management, and the notice of the nomination shall be sent to the persons nominated at least three days previous to the day of election, requesting them to attend the voting place on that day.

The witnesses cannot decline their nomination without proper reasons.

#### CHAPTER VII.—VOTING.

XXXIV. The voting shall commence at 7 o'clock A. M. and be closed at 6 o'clock P. M.

XXXV. The ballot box shall have a double lid, each fitted with a different key. One of the two keys shall be put in the custody of the Chocho or Soncho, and the other in that of the witnesses.

XXXVI. Before the commencement of the voting, the Chocho or the Soncho shall, together with the witnesses, open the ballot box in the presence of the electors on the spot, and show them that it is empty.

XXXVII. On the day of election electors shall come in



person to the voting place and vote after identifying themselves with their names in the electoral list.

XXXVIII. The voting papers shall be of a uniform style in each Fu and Ken, and shall be given to each elector by the Chocho or the Soncho at the voting place on the day of election.

Every voter shall at the voting place inscribe upon the voting paper the name of the person he votes for, then his own name and residence, and shall put his stamp upon it.

XXXIX. When a voter declares himself incapable of forming the characters required, the Chocho or the Soncho shall direct an officer to do so for him. The paper shall next be read to the voter, who shall put his stamp thereon and then cast his vote. These details shall be entered in the minutes of the voting.

XL. In an election district where two or more than two Members are to be elected, the method of *scrutin de liste* shall be employed.

XLI. No person other than those entered in the electoral list shall be capable of voting. Should, however, any one come to the voting place on the day of election bringing with him a judgment of a Court of Law entitling him to have his name entered in the electoral list the Chocho or the Soncho shall give him a voting paper and allow him to vote. The circumstances shall be entered in the minutes of the voting.

XLII. When the time for closing the polling arrives, the Chocho or the Soncho shall declare the fact and shut the ballot box. After the shutting of the ballot box, no voting shall be allowed.

XLIII. The Chocho or the Soncho shall keep minutes of the voting in which are to be entered all matters relating to the voting and to which he shall put his signature, as shall also the witnesses theirs.

XLIV. On the day following that of the election, the Chocho or Soncho shall send, in company with one or more witnesses,

the ballot box and the minutes of the voting, to the Gun, Shi or Ku Office concerned in the management of the election.

XLV. In the case of an island situated in an election district, whence there are circumstances to make it impossible to send the ballot box within the time mentioned in the preceding Article, the Governor of the Fu or Ken may fix a convenient date for voting, between the day of the settlement of the electoral list and the date of the election, and cause the ballot box to be sent by the date of the election.

#### CHAPTER VIII.—ELECTION MEETING.

XLVI. The election meeting shall be held in the Gun, Shi or Ku Office, entrusted with the management of the election.

XLVII. The Chairman of Election shall nominate by lot an Election Committee of not less than three and of not more than seven persons from among the witnesses assembling from the different voting places.

XLVIII. On the day following that of the transmission of the ballot boxes, the Chairman of Election shall open each ballot box in the presence of the Election Committee, and shall count the total number of ballots and that of the voters. When there is any difference between the total number of ballots and that of the voters, the fact shall be entered in the minutes of the election.

XLIX. When the counting has been finished, the Chairman of Election shall inspect the ballots in company with the Election Committee.

L. The electors may request admission to the election meeting of their respective election districts.

LI. The following ballots shall be void :—

1. Those of persons whose names are not recorded in the electoral list. It is, however, otherwise in the case of a person who has voted in virtue of a judgment of a Court of Law, which he had brought with him.

2. Ballots for which a regular voting paper has not been used.

3. Ballots on which the voter's name is not stated.
4. Those on which the name of a person who has no qualifications for election is inscribed. But in the case of a *scrutin de liste*, such a ballot shall have effect with respect to such of the persons named therein as do possess those qualifications.
5. Those on which either the name of the voter or that of the person voted for cannot be deciphered on account of erroneous characters used, stains, erasures or injuries. It is otherwise, when the ordinary *kana* characters are used, or when the name, though formed of wrong characters, may be clearly recognized.
6. Those in which words other than those specified in the second clause of Article XXXVIII. are written. But it is not the same when the official rank, profession, class and residence of the person voted for have been added, so that there might not be mistake of identification, or when titles of respect have been used.

LII. When any doubt arises as to the validity of a ballot, the Chairman of Election shall decide, after having heard the opinion of the Election Committee. Against this decision no objection can be raised at the election meeting.

LIII. Those ballots that are void shall be crossed across, and the circumstances shall be recorded in the minutes of election. Such ballots shall be preserved for a year, and at the expiration of that time shall be destroyed by fire.

LIV. When a ballot contains more than the fixed number of names of persons to be voted for, the names in excess of the fixed number shall be struck off commencing with the last.

When a *scrutin de liste* contains less than the fixed number of names, only those actually put down upon it shall be counted. In case the name of one person is written twice, it shall be counted as one vote.

LV. Ballots shall be preserved for sixty days in the Gun, Shi or Ku Office but shall be destroyed by fire at the expiration of the said period.

LVI. When, concerning an election suit, either a criminal accusation or indictment has been brought, the ballots shall be



preserved until the settlement of the case, without any regard to the expiration of the periods mentioned in Article LIII. and in Article LV.

LVII. The Chairman of Election shall make minutes of the election, in which shall be recorded all matters relating to the inspection of the election, and shall preserve them, after putting his signature and obtaining those of the members of the Election Committee to them also.

#### CHAPTER IX.—ELECTED PERSONS.

LVIII. The individual who has obtained a relative majority of the total number of ballots shall be declared the elected person.

When the number of ballots is equal, the individual the senior in point of birth shall be declared the elected person, and when the dates of birth are the same, it shall be decided by drawing lots.

LIX. When the elected person or persons have been settled, the Chairman of Election shall at once communicate his or their names and the number of his or their ballots to the Governor of the Fu or Ken.

LX. Upon the receipt of the communication mentioned in the preceding Article, the Governor of the Fu or Ken shall give notice to each of the elected persons, and shall notify their names throughout the district under his jurisdiction.

LXI. Upon the receipt of notice of election, every elected person shall communicate to the Governor of the Fu or Ken, as to whether he accepts it or not.

LXII. Any individual who has been declared elected in several election districts, shall upon the receipt of the notice of election communicate to the Governor of the Fu or Ken which election he accepts.

LXIII. Those elected persons shall be considered to have declined their election, who being then within the respective Fu or Ken have not made the communication of acceptance within

ten days, or who being then out of the respective Fu or Ken have not made such communication within twenty days.

LXIV. When an elected person either declines the election or does not send in the communication of acceptance of election within the fixed period, the Governor of the Fu or Ken shall fix the date of election, and cause the respective Chairman of Election to hold a new election. But in the case mentioned in the second clause of Article LVIII., should any individual who has been declared an elected person by the drawing of lots either decline or fail to send in the communication of acceptance, the other person, who has lost the election by the said drawing of lots, shall be declared the elected person.

LXV. When it has been settled who are the elected persons in every election district, the Governor of the Fu or Ken shall give them certificates of election, and notify their names throughout the extent of his jurisdiction. He shall then report thereon to the Minister of State for Home Affairs, with the statements of the qualifications of the elected persons.

#### CHAPTER X.—TERM OF MEMBERSHIP AND SUBSTITUTIONAL ELECTIONS.

LXVI. The term of membership shall be four years. After the expiration of their term, Members may again accept election.

LXVII. When upon the occurrence of a vacancy among Members the Minister of State for Home Affairs orders the Governor of the respective Fu or Ken to hold a substitutional election, the latter shall cause an extraordinary election to be held in the respective election district for the election of a substitutional Member within twenty days from the day on which he received the order of the said Minister of State.

LXVIII. The term of substitutional membership shall correspond to that of the predecessor.

#### CHAPTER XI.—REGULATION OF VOTING PLACES.

LXIX. The Chocho or Soncho charged with the management of voting shall maintain order at the voting place and, in

case of necessity may deliver an offender to the police authorities to be dealt with by them.

LXX. No person carrying weapons or arms is permitted to enter a voting place.

LXXI. No person who is not an elector is permitted to enter a voting place.

LXXII. At a voting place it is forbidden to make speeches, to engage in discussions, to cause an uproar, or to use persuasion for the votes of other people.

LXXIII. When any person disturbs the order of a voting place, the Chocho or Soncho shall give him warning, and when the warning is disregarded shall cause him to leave the voting place.

LXXIV. A person who has been compelled to leave a voting place may unless he has become an offender against law again be called therein for the purpose of voting.

LXXV. When any of the electors assembled at a voting place transgresses either the provisions of the Criminal Law or the punitive rules of the present Law, he shall be forbidden to vote, and his name and the circumstances shall be recorded in the minutes of the election.

LXXVI. As to the decision of the Chocho or Soncho on a dispute relating to an election, no objection against it can be raised at the voting place.

LXXVII. Any person who requests admission to an election meeting held at the Gun, Shi or Ku Office charged with management of election, shall be treated by the Chairman of Election according to the provisions set forth in the five Articles from Article LXIX., to Article LXXIII.

#### CHAPTER XII.—LAW SUITS ABOUT ELECTION.

LXXVIII. When a person who has lost an election considers that there is sufficient reason to make void the election of the elected person in the respective election district, he may institute a suit in a Court of Appeal against the elected person,



within thirty days from the day of the notification of the name of the elected person as mentioned in Article LXV.

No suit brought after the expiration of the abovementioned period shall be entertained.

LXXIX. The plaintiff shall simultaneously with the filing of his petition deposit as security in the Clerk's Bureau of the Court of Appeal three hundred *yen* in cash or Public Bonds of equal value.

LXXX. In case the judgment has been given against the plaintiff, should he fail to pay the whole amount of the legal costs within seven days from the day on which the judgment was delivered, the security money shall be appropriated for the purpose, and should there still remain any deficiency, the required amount shall be charged to the plaintiff.

LXXXI. In case two or more than two plaintiffs have brought a suit against one and the same elected person, the Court of Appeal may deliver judgment to all the plaintiffs by one and the same document.

LXXXII. Should the House of Representatives be ordered to dissolve while the trial is going on, the Court of Appeal shall dismiss the suit.

LXXXIII. When the plaintiff withdraws his suit, he shall give public notice of the fact through the medium of a newspaper or by some other method.

LXXXIV. In trying a suit about an election, a Court of Appeal may directly deliver judgment on those offenders against the Criminal Law or the present Law who are connected with the suit at issue. In this case, however, the Public Prosecutors must be present.

In case he is not connected with a suit about an election, an offender against the present Law shall be tried in the Criminal Court having jurisdiction over him.

LXXXV. When a suit about an election is decided in a Court of Appeal, a copy of the judgment shall be sent to the Minister of State for Home Affairs, and on the opening of the

House of Representatives, another copy shall be sent to the President thereof.

LXXXVI. Against the judgment of a Court of Appeal on a suit about an election, an appeal may be made for revision to the Court of Cassation.

LXXXVII. An elected person who is the object of a suit shall not lose the right to his seat in the House of Representatives, pending the final decision of the Court of Law.

LXXXVIII. In connection with a suit about an election, in all matters not provided for in the present Chapter the process of ordinary legal proceedings shall be followed.

#### CHAPTER XIII.—PUNITIVE RULES.

LXXXIX. Any person who has effected the insertion of his name in the electoral list by fraudulently falsifying the amount of his tax paid, his age, residence, or any other facts necessary for the qualifications of an elector, shall be liable to a fine of not less than four *yen* and of not more than forty *yen*.

XC. Any person, who either directly or indirectly has given or has promised to give an elector money, goods, notes, or public or private employment, with the object of obtaining a vote for himself, of enabling another person to obtain the same, or of preventing the elector from voting for another person, shall be liable to a fine of not less than five *yen* and of not more than fifty *yen*.

The same rule applies to the person who has received such gift or promise.

XCI. Any person who has either obtained a vote for himself, or has enabled another person to obtain the same, or has prevented an elector from voting for another person, by either directly or indirectly giving or promising to give the elector money, goods, notes, or public or private employment,

shall be dealt with according to the provisions of Art. 234 of the Criminal Code.<sup>1</sup>

Any person, who has voted or who has refrained from voting in consideration of such gift or promise shall be dealt with in a like manner.

XCII. Any person, who has done violence to an elector with the object of obtaining a vote for himself, of enabling another person to obtain the same, or of preventing an elector from voting for another person, shall be sentenced to minor confinement without hard labour for not less than one month and for not more than six months, with a fine of not less than five *yen* and of not more than fifty *yen*.

XCIII. Any person who by doing violence to an elector has obtained a vote for himself, or enabled another person to obtain the same, or has prevented the elector from voting for another person, shall be liable to be sentenced to minor confinement without hard labour for not less than three months and for not more than two years, with a fine of not less than ten *yen* and of not more than a hundred *yen*.

XCIV. Whoever assembles a crowd of people for the purpose of either intimidating electors, of causing disturbance at a voting place or at an election meeting, or of detaining, damaging, or plundering a ballot box, shall be liable to be sentenced to minor confinement without hard labour for not less than six months and for not more than two years, with a fine of not less than ten *yen* and of not more than a hundred *yen*.

Whoever knowingly joins such a crowd and adds to its influence shall be liable to minor confinement without hard labour for not less than fifteen days and for not more than two months, with a fine of not less than three *yen* and of not more than thirty *yen*.

1. Article 234 read as follows :—"Whosoever, by bribery, shall have obtained or given a vote, shall be punished with simple imprisonment for a period of from two months to two years and a fine of from three to thirty *yen*."



Should the offender be carrying weapons or arms, one degree shall be added to the principal punishment.

XCV. Whoever at the time of election by force or by doing violence to the election officers or witnesses, either disturbs a voting place or a place of election meeting, or detains, damages, or plunders a ballot box, shall be liable to minor confinement without hard labour for not less than four months and for not more than four years, with a fine of not less than twenty *yen* and of not more than two hundred *yen*.

Should the offender be carrying weapons or arms, one degree shall be added to the principal punishment.

XCVI. Whoever commits either one of the offences mentioned in the preceding Article, by assembling a crowd of people, shall be liable to major imprisonment without hard labour.

Whoever knowingly joins such a crowd and adds to its influence, shall be liable to minor confinement without hard labour for not less than two years and for not more than five years.

Should the offender be carrying weapons or arms, one degree shall be added to the principal punishment,

XCVII. Whoever instigates a person or persons by means of speeches, newspapers or writings of any kind, to commit any of the offences mentioned in the preceding three Articles, shall be liable to be dealt with according to the provision of Art. 105 of the Criminal Code.<sup>1</sup> In case the instigation has not produced any effect, the principal punishment shall be commuted by two or three degrees.

XCVIII. Whoever enters a voting place or election meeting carrying weapons or arms, shall be punished with a fine of not less than three *yen* and of not more than thirty *yen*.

XCIX. Should an elected person have been sentenced to any of the punishments mentioned in the ten Articles from

1. Article 105 read as follows:—"They who, by all kinds of instigation, have caused another to commit a crime or a delict are considered and punished as co-actors."

Article LXXXIX. to Article XCVIII. the election shall be void.

C. Any person who has voted by fraudulently assuming another person's name, or has voted in spite of his disqualifications according to Article XIV., shall be punished with a fine of not less than four *yen* and of not more than forty *yen*.

CI. Whoever has for the commission of any of the offences mentioned in the foregoing Articles been sentenced to punishment severer than confinement, or has been twice sentenced to fines, shall be suspended from the exercise of the right to elect and to be elected for a period of time not less than three years and not more than seven years.

CII. Should a witness fail to discharge any of the duties mentioned in the provisions of the present Law without any justifiable reason, he shall be punished with a fine of not less than four *yen* and of not more than forty *yen*.

CIII. As to offences other than those for which provisions are made in the present Chapter, they shall be dealt with in accordance with the provisions of the Criminal Code when such provisions are expressed therein, and the severer punishment shall be applied.

CIV. In all offences relating to elections, six months shall be considered as the term of prescription of penalties.

CV. The present punitive rules, as well as the Articles of Chapter XI., shall be posted up at every voting place and every place of election meeting.

#### CHAPTER XIV.—SUPPLEMENTARY RULES.

CVI. In every Shi there shall be established one voting place, and the management of all votings and elections as specified in the present Law shall be taken charge of by the Shicho.

In the case mentioned in Article IV., one voting place shall be established in each election district, and the management of all votings and elections as specified in the present Law shall be taken charge of by the Kucho.

CVII. In the case mentioned in the preceding Article, the Shicho or the Kucho shall nominate not less than three and not more than seven witnesses from among the electors in the election district under his management, and shall give notice of nomination to them at least three days previous to the date of election, at the same time requesting them to be present on the day of election at the Shi or Ku Office concerned in the management of election.

The witnesses shall be present at the voting, and shall also inspect the ballots.

In this case, matters relating to voting shall also be recorded in the minutes of election.

CVIII. In localities where the Toshi (Governor of Island) is appointed, the functions of Chairman of Election mentioned in the present Law shall be discharged by the Toshi.

CIX. In Towns and Villages where the Law for the Organization of Towns and Villages is not in force, the functions of the Chocho or Soncho mentioned in the present Law shall be taken charge of by the Kocho (Headman).

CX. In the first year of the compilation of the electoral list those persons who have continuously been paying in full amount since the coming into force of the Law of Income Tax an amount of income tax equal to that specified in Article VI. and Article VIII., shall be considered to have fulfilled the condition as to the period of tax payment required for qualification.

CXI. In the Hokkaido, in Okinawa Ken, and in Ogasawarajima, the present Law shall not be carried out, pending the carrying out therein of general laws for the organization of local governments.

#### APPENDIX TO THE LAW OF ELECTION OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Total number of  
Members.



District I .....	{ Kōjinachi Ku Azabu Ku Akasaka Ku }	..... I
District II .....	Shiba Ku	..... I
District III .....	Kyōbashi Ku	..... I
District IV .....	Nihonbashi Ku	..... I
District V .....	{ Honjō Ku Fukagawa Ku }	..... I
District VI .....	Asakusa Ku	..... I
District VII .....	Kanda Ku	..... I
District VIII .....	{ Shitaya Ku Hongō Ku }	..... I
District IX .....	{ Koishikawa Ku Ushigome Ku Yotsuya Ku }	..... I
District X .....	{ Higashitama Gun Minamitoshima Gun Kitatoshima Gun }	..... I
District XI .....	{ Minamiadachi Gun Minamikatsushika Gun }	..... I
District XII .....	{ Ebara Gun The Seven Islands of Izu }	..... I

Total number of  
Members.

## Kyōto Fu:—

7

District I .....	Kanigyō Ku	..... I
District II .....	Shimogyō Ku	..... I
District III .....	{ Otagi Gun Kadono Gun Otokuni Gun Kii Gun }	..... I
District IV .....	{ Uji Gun Kuse Gun Sōraku Gun Tsuzuki Gun }	..... I
District V .....	{ Minamikuwata Gun Kitakuwata Gun Funai Gun Amata Gun Ikuruka Gun }	..... 2

District VI .....	{ Kasa Gun Yosa Gun Naka Gun Takano Gun Kumano Gun }	.....I
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Total number of  
Members.

ŌSAKA FU:—

10

District I .....	Nishi Ku .....	I
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District II .....	{ Higashi Ku Kita Ku }	.....I
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District III .....	Minami Ku.....	I
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District IV .....	{ Nishinari Gun Higashinari Gun Sumiyoshi Gun }	.....2
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District V .....	{ Shimakami Gun Shimashimo Gun Teshima Gun Nose Gun }	.....I
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District VI .....	{ Matsuda Gun Katano Gun Sasara Gun Kawachi Gun Wakae Gun Takayasu Gun }	.....I
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District VII.....	{ Ishikawa Gun Yakami Gun Furuichi Gun Yasukabe Gun Nishikibe Gun Tannan Gun Shiki Gun Tanhoku Gun Ogata Gun Shibukawa Gun }	.....I
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District VIII ...	{ Sakai Ku Otori Gun Izumi Gun }	.....I
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District IX .....	{ Minami Gun Hine Gun }	.....I
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## KANAGAWA KEN :—

Total number of  
Members.

7

District I .....	Yokohama Ku .....	1
District II .....	{ Kuraki Gun Tachibana Gun Tsuzuki Gun }	1
District III .....	{ Minami Gun Nishitama Gun Kitatama Gun }	2
District IV .....	{ Miura Gun Kamakura Gun }	1
District V .....	{ Kōza Gun Aikō Gun Tsukui Gun }	1
District VI .....	{ Osumi Gun Yorogi Gun Ashigarakami Gun Ashigarashimo Gun }	1

Total number of  
Members.

12

## HYŌGO KEN :—

District I .....	Kōbe Ku .....	1
District II .....	{ Muko Gun Uhara Gun Kawanobe Gun Arima Gun }	1
District III .....	{ Taki Gun Higami Gun }	1
District IV .....	{ Yatabe Gun Akashi Gun Mino Gun }	1
District V .....	{ Kako Gun Innami Gun }	1
District VI .....	{ Kato Gun Taka Gun Kasai Gun }	1
District VII .....	{ Shikitō Gun Shikisai Gun Jintō Gun Jinsai Gun }	1



District VIII	... { Ittō Gun Issai Gun Akō Gun Sayō Gun Shisawa Gun }	.....2
District IX	..... { Kinosaki Gun Mikumi Gun Keta Gun Izushi Gun Shitsumi Gun Futagata Gun Yabu Gun Asago Gun }	.....2
District X	..... { Tsuna Gun Mihara Gun }	.....1

Total number of  
Members.

## NAGASAKI KEN:—

7

District I	..... { Nagasaki Ku Nishisonogi Gun }	.....2
District II	..... { Higashisonogi Gun Kitatakaku Gun }	.....1
District III	..... Minamitakaku Gun	.....1
District IV	..... { Kitamatsuura Gun Iki Gun Ishida Gun }	.....1
District V	..... Minamimatsuura Gun	.....1
District VI	..... { Kamiagata Gun Shimoagata Gun }	.....1

Total number of  
Members.

## NIIGATA KEN:—

13

District I	..... { Niigata Ku Nishikanbara Gun }	.....1
District II	..... { Kitakanbara Gun Higashikanbara Gun Iwafune Gun }	.....2
District III	..... Nakakanbara Gun	.....1
District IV	..... Minamikanbara Gun	.....1
District V	..... { Koshi Gun Mishima Gun }	.....2

District VI .....	Kariha Gun .....	1
District VII.....	<div> <div> Kitauonuma Gun  Minamiuonuma Gun  Nakauonuma Gun  Higashikubiki Gun </div> </div>	2
District VIII ...	<div> <div> Nakakubiki Gun  Nishikubiki Gun </div> </div>	2
District IX .....	<div> <div> Sawada Gun  Kamo Gun  Hamo Gun </div> </div>	1

Total number of  
Members.

## SAITAMA KEN :—

8

District I.....	<div> <div> Kitaadachi Gun  Niikura Gun </div> </div>	1
District II .....	<div> <div> Iruma Gun  Koma Gun  Yokomi Gun  Hiki Gun </div> </div>	2
District III .....	<div> <div> Minamisaitama Gun  Kitakatsushika Gun  Nakakatsushika Gun </div> </div>	2
District IV .....	<div> <div> Kitasaitama Gun  Osato Gun  Hara Gun  Hanzawa Gun  Obusuma Gun </div> </div>	2
District V .....	<div> <div> Kodama Gun  Kami Gun  Naka Gun  Chichibu Gun </div> </div>	1

Total number of  
Members.

## GUNMA KEN :—

5

District I.....	<div> <div> Higashigunma Gun  Minamiseta Gun  Tone Gun  Kitaseta Gun </div> </div>	1
District II .....	<div> <div> Nitta Gun  Yamada Gun  Ora Gun </div> </div>	1

District III .....	<div> <div>Sai Gun</div> <div>Nawa Gun</div> <div>Midorino Gun</div> <div>Tago Gun</div> <div>Minamikanra Gun</div> </div>	.....1
District IV .....	<div> <div>Nishigunma Gun</div> <div>Kataoka Gun</div> <div>Azuma Gun</div> </div>	.....1
District V .....	<div> <div>Kitakanra Gun</div> <div>Usui Gun</div> </div>	.....1

Total number of  
Members.

CHIBA KEN:—

9

District I.....	<div> <div>Chiba Gun</div> <div>Ichihara Gun</div> </div>	.....1
District II .....	<div> <div>Higashikatsushika Gun</div> <div>Inba Gun</div> <div>Shimohabu Gun</div> <div>Minamisōma Gun</div> </div>	.....2
District III .....	Katori Gun .....	1
District IV .....	<div> <div>Unakami Gun</div> <div>Sosa Gun</div> </div>	.....1
District V .....	<div> <div>Yamabe Gun</div> <div>Musa Gun</div> </div>	.....1
District VI .....	<div> <div>Isumi Gun</div> <div>Kamihabu Gun</div> <div>Nagara Ggn</div> </div>	.....1
District VII.....	<div> <div>Mota Gun</div> <div>Shusu Gun</div> <div>Amaha Gun</div> </div>	.....1
District VIII ...	<div> <div>Awa Gun</div> <div>Hei Gun</div> <div>Asai Gun</div> <div>Nagasa Gun</div> </div>	.....1

Total number of  
Members.

IBARAKI KEN:—

8

District I.....	<div> <div>Higashiibaraki Gun</div> <div>Kajima Gun</div> <div>Naekata Gun</div> </div>	.....1
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District II	{ Taga Gun Kuji Gun Naka Gun }	..... 2
District III	{ Nishiibaraki Gun Makabe Gun }	..... 1
District IV	{ Toyoda Gun Yūki Gun Okada Gun Nishikatsushika Gun Sarushima Gun }	..... 1
District V	{ Tsukuba Gun Niibari Gun }	..... 1
District VI	{ Shida Gun Kawachi Gun Kitasōma Gun }	..... 1

Total number of  
Members.

5

## TOCHIGI KEN :—

District I	{ Kawachi Gun Haga Gun }	..... 1
District II	{ Kamitsuga Gun Shimotsuga Gun Sawukawa Gun }	..... 2
District III	{ Aso Gun Ashikaga Gun Yanada Gun }	..... 1
District IV	{ Shiwoya Gun Nasu Gun }	..... 1

Total number of  
Members.

4

## NARA KEN :—

District I	{ Sokami Gun Soshimo Gun Yamabe Gun Hirose Gun Heguri Gun Shikijō Gun Shikige Gun Uda Gun }	..... 1
District II	{ Toichi Gun Takaichi Gun Katsujō Gun Katsuge Gun Oshiumi Gun }	..... 2

District III .....	{ Uchi Gun Yoshino Gun }	..... I	Total number of Members.
--------------------	-----------------------------	---------	-----------------------------

## MIE KEN :—

7

District I .....	{ Ano Gun Ichishi Gun }	..... I	
District II .....	{ Mie Gun Suzuka Gun Ange Gun Kawawa Gun }	..... I	
District III .....	{ Kuwana Gun Inabe Gun Asake Gun }	..... I	
District IV .....	{ Iidaka Gun Iino Gun Take Gun }	..... I	
District V .....	{ Watarai Gun Toshi Gun Ago Gun Kitamuro Gun Minamimuro Gun }	..... 2	
District VI .....	{ Ahai Gun Yamada Gun Nabari Gun Iga Gun }	..... I	

Total number of  
Members.

## AICHI KEN :—

11

District I .....	Nagoya Ku	..... I	
District II .....	Aichi Gun	..... I	
District III .....	{ Higashikasugai Gun Nishikasugai Gun }	..... I	
District IV .....	{ Niwa Gun Haguri Gun }	..... I	
District V .....	Nakajima Gun	..... I	
District VI .....	{ Kaitō Gun Kaisai Gun }	..... I	
District VII .....	Chita Gun	..... I	
District VIII .....	{ Aomi Gun Hazu Gun }	..... I	

District IX	.....	{ Nukada Gun Nishikamo Gun Higashikamo Gun }	..... I
District X	.....	{ Kitashitara Gun Minamishitara Gun Hoi Gun }	..... I
District XI	.....	{ Atsumi Gun Yana Gun }	..... I
			Total number of Members.

8

## SHIZUOKA KEN :—

District I	.....	{ Abe Gun Udo Gun }	..... I
District II	.....	{ Fuji Gun Ihara Gun }	..... I
District III	.....	{ Shida Gun Masutsu Gun }	..... I
District IV	.....	{ Haibara Gun Sano Gun Kito Gun }	..... I
District V	.....	{ Suchi Gun Toyota Gun Yamana Gun Iwata Gun }	..... I
District VI	.....	{ Nagakami Gun Fuchi Gun Hamana Gun Inasa Gun Aratama Gun }	..... I
District VII	.....	{ Naka Gun Kamo Gun Kuntaku Gun Takata Gun Suntō Gun }	..... 2

Total number of Members.

3

## YAMANASHI KEN :—

District I	.....	{ Nishiyamanashi Gun Kitakoma Gun Nakakoma Gun }	..... I
District II	.....	{ Higashiyamanashi Gun Minamitsuru Gun Kitatsuru Gun }	..... I



District III	.....	{ Higashiyatsushiro Gun Nishiyatsushiro Gun Minamikoma Gun }	..... 1	Total number of Members.
--------------	-------	--	---------	-----------------------------

## SHIGA KEN :—

5

District I	.....	{ Shiga Gun Takashima Gun }	..... 1	
District II	.....	{ Kōga Gun Nosu Gun Kurimoto Gun }	..... 1	
District III	.....	{ Inukami Gun Echi Gun Kanzaki Gun Gamō Gun }	..... 2	
District IV	.....	{ Nishiasai Gun Higashiasai Gun Ika Gun Sakata Gun }	..... 1	

Total number of  
Members.

## GIFU KEN :—

7

District I	.....	{ Atsumi Gun Katagata Gun Kakami Gun }	..... 1	
District II	.....	{ Fuwa Gun Apachi Gun }	..... 1	
District III	.....	{ Kaisai Gun Shimoishizu Gun Tagino Gun Kamishizu Gun Haguri Gun Nakajima Gun }	..... 1	
District IV	.....	{ Ono Gun Ikeda Gun Motosu Gun Mushiroda Gun Yamagata Gun }	..... 1	
District V	.....	{ Mugi Gun Gujō Gun }	..... 1	

District VI .....	{ Kamo Gun Kago Gun Toki Gun Ena Gun }	..... I
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District VII.....	{ Ono Gun Masuda Gun Yoshiki Gun }	..... I
-------------------	--	---------

Total number of  
Members.

NAGANO KEN :—

8

District I .....	{ Kamiminochi Gun Sarashina Gun }	..... I
------------------	--------------------------------------	---------

District II .....	{ Shimominochi Gun Kamitakai Gun Shimotakai Gun }	..... I
-------------------	---	---------

District III .....	{ Chisagata Gun Hashina Gun }	..... I
--------------------	----------------------------------	---------

District IV .....	{ Nishichikuma Gun Higashichikuma Gun Minamiazumi Gun Kitaazumi Gun }	..... 2
-------------------	--	---------

District V .....	{ Minamisaku Gun Kitasaku Gun }	..... I
------------------	------------------------------------	---------

District VI .....	{ Kamiina Gun Suwa Gun }	..... I
-------------------	-----------------------------	---------

District VII .....	Shimoina Gun	..... I
--------------------	--------------	---------

Total number of  
Members.

MIYAGI KEN :—

5

District I.....	{ Sendai Ku Natori Gun Miyagi Gun }	..... I
-----------------	---	---------

District II .....	{ Shibata Gun Karita Gun Igu Gun Watari Gun }	..... I
-------------------	--	---------

District III .....	{ Kurokawa Gun Kami Gun Shida Gun Tamatsukuri Gun Tota Gun }	..... I
--------------------	--	---------

District IV ..... { Kuribara Gun } ..... 1  
                                   { Toyoma Gun }

District V ..... { Momofu Gun } ..... 1  
                                   { Oshika Gun }  
                                   { Matoyoshi Gun }

Total number of  
Members.

FUKUSHIMA KEN :—

7

District I..... { Shinobu Gun } ..... 1  
                                   { Date Gun }

District II ..... { Adachi Gun } ..... 1  
                                   { Asaka Gun }

District III ..... { Tamura Gun } ..... 2  
                                   { Iwase Gun }  
                                   { Higashishirakawa Gun }  
                                   { Nishishirakawa Gun }  
                                   { Ishikawa Gun }

District IV ..... { Minamiaizu Gun } ..... 2  
                                   { Kitaizu Gun }  
                                   { Onuma Gun }  
                                   { Yama Gun }  
                                   { Kawanuma Gun }

District V ..... { Kikuta Gun } ..... 1  
                                   { Iwasaki Gun }  
                                   { Iwaki Gun }  
                                   { Naraha Gun }  
                                   { Shineha Gun }  
                                   { Namekata Gun }  
                                   { Uda Gun }

Total number of  
Members.

IWATE KEN :—

5

District I..... { Minamiwate Gun } ..... 1  
                                   { Kitaiwate Gun }  
                                   { Shiba Gun }  
                                   { Ninohe Gun }

District II ..... { Higashihehi Gun } ..... 1  
                                   { Nakahehi Gun }  
                                   { Kitahehi Gun }  
                                   { Minamikunohe Gun }  
                                   { Kitakunohe Gun }



District III .....	{ Hienuki Gun Higashiwaga Gun Nishiwaga Gun Nishihehi Gun Minamihehi Gun }	..... 1
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District IV .....	{ Esashi Gun Isawa Gun Kesen Gun }	..... 1
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District V .....	{ Nishiiwai Gun Higashiiwai Gun }	..... 1
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Total number of  
Members.

#### AOMORI KEN:—

4

District I .....	{ Higashitsugaru Gun Kamikita Gun Shimokita Gun Sannohe Gun }	..... 2
------------------	--	---------

District II .....	{ Kitatsugaru Gun Minamitsugaru Gun }	..... 1
-------------------	--	---------

District III .....	{ Nakatsugaru Gun Nishitsugaru Gun }	..... 1
--------------------	---	---------

Total number of  
Members.

#### YAMAGATA KEN:—

6

District I .....	{ Minamimurayama Gun Higashimurayama Gun Nishimurayama Gun }	..... 2
------------------	--	---------

District II .....	{ Higashiokitama Gun Minamiokitama Gun Nishiokitama Gun }	..... 1
-------------------	---	---------

District III .....	{ Atami Gun Nishitagawa Gun Higashitagawa Gun }	..... 2
--------------------	---	---------

District IV .....	{ Mogami Gun Kitamurayama Gun }	..... 1
-------------------	------------------------------------	---------

Total number of  
Members.

#### AKITA KEN:—

4

District I .....	Minamiakita Gun.....	1
------------------	----------------------	---

District II .....	{ Yamamoto Gun Kitaakita Gun Kazuno Gun }	..... 1
-------------------	---	---------

District III	{ Kawabe Gun Yuri Gun }	..... 1
District IV	{ Senboku Gun Hiraka Gun Okachi Gun }	..... 2

Total number of  
Members.

## FUKUI KEN:—

4

District I	{ Asuha Gun Ono Gun }	..... 1
District II	{ Yoshida Gun Sakai Gun }	..... 1
District III	{ Nanjō Gun Imadate Gun Nibu Gun }	..... 1
District IV	{ Mikata Gun Onifu Gun Oi Gun Tsuruga Gun }	..... 1

Total number of  
Members.

## ISHIKAWA KEN:—

6

District I	{ Kanazawa Ku Ishikawa Gun }	..... 2
District II	{ Nomi Gun Enuma Gun }	..... 1
District III	{ Kahoku Gun Hagui Gun Kajima Gun }	..... 2
District IV	{ Fugeshi Gun Suzu Gun }	..... 1

Total number of  
Members.

## TOYAMA KEN:—

5

District I	{ Kaminigawa Gun Nehi Gun }	..... 2
District II	Shimonigawa Gun	..... 1
District III	Imizu Gun	..... 1
District IV	Tonami Gun	..... 1

Total number of  
Members.

## TOTTORI KEN:—

3

District I .....	<table border="0"> <tr><td>(</td><td>Omi Gun</td><td>)</td></tr> <tr><td>(</td><td>Hōmi Gun</td><td>)</td></tr> <tr><td>(</td><td>Iwai Gun</td><td>)</td></tr> <tr><td>(</td><td>Yagami Gun</td><td>)</td></tr> <tr><td>(</td><td>Hattō Gun</td><td>)</td></tr> <tr><td>(</td><td>Chizu Gun</td><td>)</td></tr> </table>	(	Omi Gun	)	(	Hōmi Gun	)	(	Iwai Gun	)	(	Yagami Gun	)	(	Hattō Gun	)	(	Chizu Gun	)	..... I
(	Omi Gun	)																		
(	Hōmi Gun	)																		
(	Iwai Gun	)																		
(	Yagami Gun	)																		
(	Hattō Gun	)																		
(	Chizu Gun	)																		

District II .....	<table border="0"> <tr><td>(</td><td>Takakusa Gun</td><td>)</td></tr> <tr><td>(</td><td>Keta Gun</td><td>)</td></tr> <tr><td>(</td><td>Kawamura Gun</td><td>)</td></tr> <tr><td>(</td><td>Kume Gun</td><td>)</td></tr> <tr><td>(</td><td>Yabase Gun</td><td>)</td></tr> </table>	(	Takakusa Gun	)	(	Keta Gun	)	(	Kawamura Gun	)	(	Kume Gun	)	(	Yabase Gun	)	..... I
(	Takakusa Gun	)															
(	Keta Gun	)															
(	Kawamura Gun	)															
(	Kume Gun	)															
(	Yabase Gun	)															

District III .....	<table border="0"> <tr><td>(</td><td>Aseiri Gun</td><td>)</td></tr> <tr><td>(</td><td>Aimi Gun</td><td>)</td></tr> <tr><td>(</td><td>Hino Gun</td><td>)</td></tr> </table>	(	Aseiri Gun	)	(	Aimi Gun	)	(	Hino Gun	)	..... I
(	Aseiri Gun	)									
(	Aimi Gun	)									
(	Hino Gun	)									

Total number of  
Members.

6

## SHIMANE KEN:—

District I.....	<table border="0"> <tr><td>(</td><td>Shimane Gun</td><td>)</td></tr> <tr><td>(</td><td>Aika Gun</td><td>)</td></tr> <tr><td>(</td><td>Yu Gun</td><td>)</td></tr> </table>	(	Shimane Gun	)	(	Aika Gun	)	(	Yu Gun	)	..... I
(	Shimane Gun	)									
(	Aika Gun	)									
(	Yu Gun	)									

District II .....	<table border="0"> <tr><td>(</td><td>Nogi Gun</td><td>)</td></tr> <tr><td>(</td><td>Nita Gun</td><td>)</td></tr> <tr><td>(</td><td>Ohara Gun</td><td>)</td></tr> <tr><td>(</td><td>Ishi Gun</td><td>)</td></tr> </table>	(	Nogi Gun	)	(	Nita Gun	)	(	Ohara Gun	)	(	Ishi Gun	)	..... I
(	Nogi Gun	)												
(	Nita Gun	)												
(	Ohara Gun	)												
(	Ishi Gun	)												

District III.....	<table border="0"> <tr><td>(</td><td>Shutto Gun</td><td>)</td></tr> <tr><td>(</td><td>Tatenui Gun</td><td>)</td></tr> <tr><td>(</td><td>Kando Gun</td><td>)</td></tr> </table>	(	Shutto Gun	)	(	Tatenui Gun	)	(	Kando Gun	)	..... I
(	Shutto Gun	)									
(	Tatenui Gun	)									
(	Kando Gun	)									

District IV .....	<table border="0"> <tr><td>(</td><td>Nima Gun</td><td>)</td></tr> <tr><td>(</td><td>Anno Gun</td><td>)</td></tr> <tr><td>(</td><td>Ochi Gun</td><td>)</td></tr> </table>	(	Nima Gun	)	(	Anno Gun	)	(	Ochi Gun	)	..... I
(	Nima Gun	)									
(	Anno Gun	)									
(	Ochi Gun	)									

District V .....	<table border="0"> <tr><td>(</td><td>Naka Gun</td><td>)</td></tr> <tr><td>(</td><td>Mino Gun</td><td>)</td></tr> <tr><td>(</td><td>Kanoashi Gun</td><td>)</td></tr> </table>	(	Naka Gun	)	(	Mino Gun	)	(	Kanoashi Gun	)	..... I
(	Naka Gun	)									
(	Mino Gun	)									
(	Kanoashi Gun	)									

District VI .....	<table border="0"> <tr><td>(</td><td>Suki Gun</td><td>)</td></tr> <tr><td>(</td><td>Ochi Gun</td><td>)</td></tr> <tr><td>(</td><td>Ama Gun</td><td>)</td></tr> <tr><td>(</td><td>Chibu Gun</td><td>)</td></tr> </table>	(	Suki Gun	)	(	Ochi Gun	)	(	Ama Gun	)	(	Chibu Gun	)	..... I
(	Suki Gun	)												
(	Ochi Gun	)												
(	Ama Gun	)												
(	Chibu Gun	)												

Total number of  
Members.

8

## OKAYAMA KEN:—



District I.....	{ Okayama Ku Mino Gun Jyōdō Gun Oku Gun Kojima Gun }	.....2
District II .....	{ Tsudaka Gun Akasaka Gun Iwanashi Gun Wake Gun }	.....I
District III .....	{ Tsuu Gun Kuboya Gun Kayo Gun Kado Gun }	.....I
District IV .....	{ Asakuchi Gun Oda Gun Shistuki Gun }	.....I
District V .....	{ Jōbō Gun Kawakami Gun Tetta Gun Aga Gun }	.....I
District VI .....	{ Majima Gun Oba Gun Nishisaijō Gun Nishihōjō Gun Nishinanjō Gun Higashihōjō Gun }	.....I
District VII.....	{ Shōhoku Gun Shōnan Gun Yoshino Gun Aita Gun Kumebōjō Gun Kumenanjo Gun }	.....I

Total number of  
Members.

10

## HIROSHIMA KEN:—

District I	{ Hirohimo Ku Aki Gun }	.....2
District II .....	Sahegi Gun	.....I
District III .....	{ Numata Gun Takamiya Gun Yamagata Gun }	.....I

District IV .....	{ Takada Gun Miyoshi Gun Mitani Gun }	..... 1
District V .....	Kamo Gun	..... 1
District VI .....	Toyoda Gun	..... 1
District VII.....	{ Mitsugi Gun Sera Gun }	..... 1
District VIII ...	{ Fukatsu Gun Numakuma Gun Anna Gun }	..... 1
District IX .....	{ Ashida Gun Homuji Gun Jinseki Gun Konu Gun Nuka Gun Mikami Gun Eso Gun }	..... 1

Total number of  
Members.

## YAMAGUCHI KEN :—

7

District I .....	{ Yoshiki Gun Mine Gun Asa Gun Saba Gun }	..... 2
District II .....	{ Amu Gun Mishima Gun Otsu Gun }	..... 1
District III .....	{ Akamagaseki Ku Toyoura Gun }	..... 1
District IV .....	{ Tsuno Gun Kumake Gun Oshima Gun }	..... 2
District V .....	Kuga Gun	..... 1

Total number of  
Members.

## WAKAYAMA KEN :—

5

District I .....	{ Wakayama Ku Nagusa Gun Ama Gun Arita Gun }	..... 2
District II .....	{ Ito Gun Naka Gun }	..... 1

District III .....	{ Hidaka Gun Nishimuro Gun Higashimuro Gun }	.....2
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Total number of  
Members.

## TOKUSHIMA KEN :—

5

District I .....	{ Myōtō Gun Katsura Gun }	.....1
District II .....	{ Naka Gun Kaibu Gun }	.....1
District III .....	{ Myōsai Gun Awa Gun Oe Gun }	.....1
District IV .....	Itano Gun.....	1
District V .....	{ Mima Gun Miyōshi Gun }	.....1

Total number of  
Members.

## KAGAWA KEN :—

5

District I .....	{ Kagawa Gun Yamada Gun Shōdo Gun }	.....1
District II .....	{ Ouchi Gun Kangawa Gun Miki Gun }	.....1
District III .....	{ Utari Gun Aya Gun }	.....1
District IV .....	{ Tado Gun Naka Gun }	.....1
District V .....	{ Toyoda Gun Mino Gun }	.....1

Total number of  
Members.

## EHIME KEN :—

7

District I .....	{ Onsen Gun Wake Gun Kazahaya Gun Noma Gun Kume Gun Iyo Gun Shimoukena Gun }	.....2
------------------	--	--------



District II	.....	{ Ochi Gun Kuwamura Gun Shufu Gun }	..... 1
District III	.....	{ Kita Gun Kamifukena Gun }	..... 1
District IV	.....	{ Nii Gun Uma Gun }	..... 1
District V	.....	{ Nishiuwa Gun Higashiuwa Gun }	..... 1
District VI	.....	{ Minamiuwa Gun Kitauwa Gun }	..... 1

Total number of  
Members.

## KŌCHI KEN:—

4

District I	.....	{ Tosa Gun Nagaoka Gun }	..... 1
District II	.....	{ Hata Gun Takaoka Gun Akawa Gun }	..... 2
District III	.....	{ Kagami Gun Aki Gun }	..... 1

Total number of  
Members.

## FUKUOKA KEN:—

9

District I	.....	{ Fukuoka Ku Ido Gun Shima Gun Sawara Gun }	..... 1
District II	.....	{ Kasuya Gun Munekata Gun Naka Gun Mikasa Gun Mushiroda Gun Jōza Gun Geza Gun Yasu Gun }	..... 2
District III	.....	{ Onga Gun Kurata Gun Kama Gun Honami Gun }	..... 1

District IV .....	<div> <div>Mii Gun</div> <div>Mihara Gun</div> <div>Yamamoto Gun</div> <div>Ikuha Gun</div> <div>Takeno Gun</div> </div>	..... I
District V .....	<div> <div>Mitsuma Gun</div> <div>Kozuma Gun</div> <div>Shimozuma Gun</div> </div>	..... I
District VI ...	<div> <div>Yamato Gun</div> <div>Miike Gun</div> </div>	..... I
District VII ...	<div> <div>Kiku Gun</div> <div>Tagawa Gun</div> </div>	..... I
District VIII	<div> <div>Miyako Gun</div> <div>Nakatsu Gun</div> <div>Tsuiki Gun</div> <div>Koge Gun</div> </div>	..... I

Total number of  
Members.

6

## ŌITA KEN:—

District I .....	Oita Gun .....	I
District II .....	<div> <div>Kitaamabe Gun</div> <div>Minamiamabe Gun</div> </div>	..... I
District III .....	<div> <div>Ono Gun</div> <div>Naori Gun</div> </div>	..... I
District IV .....	<div> <div>Hayami Gun</div> <div>Kusu Gun</div> <div>Hida Gun</div> </div>	..... I
District V .....	<div> <div>Nishikunisaki Gun</div> <div>Higashikunisaki Gun</div> </div>	..... I
District VI .....	<div> <div>Shimoke Gun</div> <div>Usa Gun</div> </div>	..... I

Total number of  
Members.

4

## SAGA KEN:—

District I .....	<div> <div>Saga Gun</div> <div>Kanzaki Gun</div> <div>Oki Gun</div> <div>Kii Gun</div> <div>Yabu Gun</div> <div>Mine Gun</div> </div>	..... 2
------------------	---	---------

District II ..... { Higashimatsuura Gun } ..... 1  
                                   { Nishimatsuura Gun }

District II ..... { Kinoshima Gun } ..... 1  
                                   { Fujitsu Gun }

Total number of  
Members.

KUMAMOTO KEN :—

8

District I..... { Kumamoto Ku } ..... 2  
                                   { Akita Gun }  
                                   { Takuma Gun }  
                                   { Udo Gun }

District II ..... Tamana Gun ..... 1

District III ..... { Yamaga Gun } ..... 2  
                                   { Mamamoto Gun }  
                                   { Kikuchi Gun }  
                                   { Goshi Gun }  
                                   { Aso Gun }

District IV ..... { Kamimashiki Gun } ..... 1  
                                   { Shimomashiki Gun }

District V       { Yatsushiro Gun } ..... 1  
                                   { Ashikita Gun }  
                                   { Kumu Gun }

District VI ..... Anakusa Gun ..... 1

Total number of  
Members.

MIYASAKI KEN :—

3

District I..... { Miyasaki Gun } ..... 1  
                                   { Kitanaka Gun }  
                                   { Minaminaka Gun }  
                                   { Koyu Gun }

District II ..... { Kitamorokata Gun } ..... 1  
                                   { Nishimorokata Gun }  
                                   { Higashimorokata Gun }

District III ..... { Higashiusuki Gun } ..... 1  
                                   { Nishiusuki Gun }



		Total number of Members.
KAGOSHIMA KEN:—		7
District I.....	{ Kogoshima Gun Taniyama Gun Kitaōsumi Gun Kumake Gun Komo Gun	..... I
District II .....	{ Kiire Gun Ibusuki Gun Nini Gun Kawanabe Gun	..... I
District III .....	{ Hioki Gun Ata Gun	..... I
District IV .....	{ Takaki Gun Itsumi Gun Minamiisa Gun Satsuma Gun Koshikishima Gun	..... I
Disirict V .....	{ Hishikari Gun Aira Gun Kuwabara Gun Nishiso Gun Kिताisa Gun	..... I
District VI .....	{ Minamimorokata Gun Minamiōsumi Gun Kimotsuki Gun Higashiso Gun	..... I
District VII.....	Ōshima Gun	..... I

*Official Translation.*

## 22. THE LAW OF FINANCE.

(Feb. 11, 1889.)

We, with the advice of Our Privy Council, hereby give our Sanction to the present Law of Finance and order it to be promulgated.

[His Imperial Majesty's Sign-Manual.]

[Privy Seal.]

## CHAPTER I.—GENERAL RULES.

I. The financial year of the Government shall commence on the 1st day of the 4th month in each year, and end on the 31st day of the 3rd month of the following year.

All transactions of matters relating to receipt and disbursement of the revenues and expenditures of each financial year, shall be completed on the 31st day of the 11th month of the following financial year.

II. All receipts from taxes and all other resources shall be treated as revenues, and all expenses, as expenditures. Revenues and expenditures shall be embodied in the general budget.

III. Sums appropriated for each financial year shall not be applied to the payment of expenses belonging to another financial year.

IV. No Government Office is allowed to keep special funds other than those provided for by law or ordinance.

## CHAPTER II.—BUDGET.

V. The general budget of annual revenues and expenditures shall be laid before the Imperial Diet of the previous year, at the beginning of its session.

VI. The general budget of annual revenues and expenditures shall be divided into two parts, the ordinary and extraordinary; and each part shall be subdivided into titles and paragraphs.

The following documents shall accompany the budget for the information of the Imperial Diet :—

1. Paper stating the amount of the estimated expenses demanded by the respective Departments of State. In this paper, every item in each paragraph shall be explicitly stated.

2. Paper stating the actual accounts of the revenue and expenditure of the financial year ended on the 31st day of the 3rd month of the current year.

VII. The reserves to be provided in the budget shall be divided into the following two classes :—

1st reserve.

2nd reserve.

The first reserve shall be used to supply deficiencies which are unavoidable in the budget.

The second reserve shall be used to meet necessary expenses unprovided for in the same.

VIII. The account of sums defrayed out of the reserve shall, after the lapse of the financial year, be laid before the Imperial Diet, and its approbation shall be sought.

IX. The maximum amount of the Treasury Bills to be issued during each financial year shall be determined with the consent of the Imperial Diet.

#### CHAPTER III.—RECEIPTS.

X. Taxes and other revenues shall be raised in accordance with the provisions of laws and ordinances.

Taxes and other revenues shall not be levied except by officials qualified therefor by law or ordinance.

#### CHAPTER IV.—EXPENDITURES.

XI. The amount appropriated for the expenses of the Government for each financial year shall be defrayed out of the revenues of the same financial year.

XII. The Ministers of State shall not apply the appropriations for any object other than that prescribed in the budget; nor are they permitted to interchange the amounts of appropriation in each paragraph one for the other.

The Ministers of State shall hand over to the Treasury all receipts under their control, and shall not make use of them directly.

XIII. The Ministers of State shall draw orders of payment upon the Treasury, in order to defray the expenses appertaining to their respective administrations.

The power to issue orders of payment, however, may be delegated to other functionaries in accordance with rules specially provided for.



XIV. The Treasury shall not make payment on such orders as are contrary to the provisions of laws and ordinances.

XV. The Ministers of State shall not issue orders of payment except in favour of a legitimate creditor of the Government or his agent.

For the expenses enumerated here below, the Ministers of State may, however, issue orders of advance payment in cash, in order to delegate the power of cash payment to competent officials or to banks specially assigned by the Government.

1. Payment on the principal and interest of national debts.

2. Expenses of troops and fleets, and Government vessels.

3. Expenses of Government Offices abroad.

4. All expenses to be paid in foreign countries, besides those mentioned in the preceding clause.

5. Expenses to be paid in those districts in the interior, where the means of transportation and communication are incomplete.

6. Those miscellaneous ordinary expenses in the different Government Offices, of which the whole annual amount is below five hundred *yen*.

7. Expenses of offices the situation of which can not be settled in one place.

8. Expenses of works carried out under direct supervision of the different Government Offices, provided such expenses do not exceed three thousand *yen* for each superintending official.

#### CHAPTER V.—FINAL ACCOUNTS.

XVI. General final accounts to be laid by the Government before the Imperial Diet, after it has received the verification of the Board of Audit, shall be drawn up in the same form as the general budget, and shall contain explicit statements of accounts as to the following particulars :—

##### REVENUES.

Estimated amount of revenues.

Ascertained amount of revenues.

Amount of revenues received.

Amount of revenues not yet received.

## EXPENDITURES.

Estimated amount of expenditures.

Amount of expenditures increased after the determination of the budget.

Amount of expenditures for which order of payment had been issued.

Amount to be carried over to the next financial year.

XVII. The following documents shall accompany the general final accounts mentioned in the preceding Article, together with the report of verification of the Board of Audit :—

1. Reports on final accounts submitted by the respective Departments of State.
2. Accounts of the national debts.
3. Accounts of cases in which special modes of treatment are allowed.

## CHAPTER VI.—TERMS OF PRESCRIPTION.

XVIII. As to those liabilities of the Government, of which the creditor has not made the demand of disbursement or of payment within five years, after the end of the financial year, in which the payment should have been made, they shall be considered to have passed the term of prescription, and the Government shall be free from the liability. But in case the term of prescription is fixed by a special law, the provision of such law shall be followed.

XIX. When, concerning any amount of money due to the Government, a person has not received notice for payment within five years, after the end of the financial year, in which such payment should have been made, he shall be freed from the liability. But in case the term of prescription is fixed by a special law, the provision of such law shall be followed.

## CHAPTER VII.—SURPLUS: TRANSFER OF APPROPRIATIONS TO ANOTHER FINANCIAL YEAR: RECEIPTS NOT PROVIDED FOR IN THE BUDGET: REFUNDING OF APPROPRIATIONS.

XX. When there occurs a surplus in the annual accounts

of a financial year it shall be carried over to the revenues of the next financial year.

XXI. In case any express permission is specially provided in the budget, or in case expenses have not been wholly paid out during a financial year, on account of delays caused by unavoidable circumstances in the progress of any work or manufacture, which had to be completed within the said financial year, the appropriations may be carried over to and disbursed in the succeeding year.

XXII. In case the total amount of a continuing expenditure fund is determined for any work, manufacture, or any other undertakings, which require a number of years for completion, the surplus of each financial year may be successively carried over and disbursed until the end of the year, in which the said work, manufacture or other undertakings shall be finished.

XXIII. Money paid back for refunding sums which had been paid out in mistake or had been overpaid, receipts belonging to a financial year of which the accounts of receipts and payment has been finished, and all other receipts not provided in the budget, shall be taken into the revenue of the current financial year. However, in the case of an advance payment of a disbursement in approximate amounts, or of a disbursement by a temporary interchange of items, which has been made in accordance with the provisions of law or Imperial ordinance, the sums of money paid back may be applied for refunding the respective appropriations, out of which they had been originally paid.

#### CHAPTER VIII.—WORKS UNDER THE GOVERNMENT :

##### THE SALE AND PURCHASE, AND LENDING AND BORROWING OF OBJECTS.

XXIV. Excepting in cases otherwise provided for by law or Imperial ordinance, works under the Government, and the sale and purchase and lending and borrowing of articles shall be put to competition, by giving public notice. In the following cases,



however, contracts may be entered into at discretion, without resorting to the competitive means :—

1. In the case of the purchase or borrowing of articles in the exclusive possession of a single person or company.

2. In the case of works to be carried out, or of articles to be purchased or sold, or to be lent or borrowed, under circumstances requiring the actions of the Government to be kept secret.

3. In the case of extraordinary urgency, when there is no time to put to competition the undertaking of a work, or the purchase or sale, or borrowing or lending of articles.

4. In the case of articles which, on account of their peculiar nature, or on account of the special object for which they are to be used, require to be purchased directly in the place of production or manufacture, or from the producers or manufacturers.

5. In the case of the purchase of manufactures of instruments, which cannot be manufactured except by special artists.

6. In the case of the purchase or lease of lands and buildings, requiring particular situation or construction.

7. In the case of contracts relating to works, and of the purchase or borrowing of articles, of which the cost or value does not exceed five hundred *yen*.

8. In the case of the sale of movable properties, the estimated value of which does not exceed two hundred *yen*.

9. In the case of the purchase of men-of-war.

10. In the case of the purchase of horses for the Army.

11. In case a work or manufacture is caused to be undertaken, or some articles are purchased, for experimental purposes.

12. In the case of the employment of the poor belonging to a charity establishment, or in the case of the direct purchase of things produced or manufactured therein.

13. In the case of the employment of convict labour, or of the direct purchase of things manufactured by the same, or in the case of the direct purchase of articles, produced or manufactured at an agricultural or industrial establishment under the control of the Government.

14. In the case of the sale of articles produced or manufactured at an agricultural or industrial establishment

under the Government, or an establishment under the Government for charity education, or by convict labour.

XXV. No payment shall be made in advance for works or manufacture, or for the purchase of articles, excepting in cases of men-of-war, arms and ammunition.

#### CHAPTER IX.—ACCOUNTING OFFICIALS.

XXVI. Officials, who are charged with the receipt and disbursement of cash and with serving articles in and out, that belong to the Government, shall be responsible in every case for the money and articles under their management, and receive the verification and decision of the Board of Audit.

XXVII. In case where the officials mentioned in the preceding Article lose or injure the cash or articles, by fire or flood, or by being robbed, or by any other causes, they shall not be relieved from their responsibility, unless, by proving to the Board of Audit that the loss or injury has been unavoidable in connection with the custody, they shall have received decision of the said Board, discharging them from the responsibility for the same.

XXVIII. The officials, who may be required to deposit security for being charged with the receipt or disbursement of cash and with serving articles in and out, shall be determined by Imperial Ordinance.

XXIX. The capacity to order payment and that of dealing with the receipt and disbursement of money, shall not be combined in one person at the same time.

#### CHAPTER X.—MISCELLANEOUS RULES.

XXX. In case when it is difficult to follow the provisions of the present Law on account of special requirements, a special mode of treatment may be allowed.

The establishment of a special mode of treatment shall be effected by law.

XXXI. The Government may entrust the Nippon Ginko (Bank of Japan) with the management of the Treasury funds.

## CHAPTER XI.—SUPPLEMENTARY RULES.

XXXII. The provisions of the present Law not relating to the Imperial Diet shall come in force from the 1st day of the 4th month of the 23rd year of Meiji; and those relating to the Imperial Diet shall come in force from the time of its opening.

The provisions of the present Law relating to the final accounts shall have application from the accounts of the financial year, for which the vote of the Imperial Diet shall have been obtained.

XXXIII. Laws and ordinances, which are incompatible with any provision of the present Law, shall be repealed from the day of the coming in force of such provision.

*Official Translation.*<sup>1</sup>

23. ORGANISATION OF THE BOARD OF AUDIT<sup>2</sup> (AS REVISED).

(Law No. 15, May 9, 1889.)

## CHAPTER I.—CONSTITUTION.

I. The Board of Audit shall be under the direct control of the Emperor, and shall occupy an independent position towards the Ministers of State.

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1. The official translations, especially of the Law of Election and of the present Law, are very unsatisfactory; in many places the meaning is not clear, and almost everywhere there is a manifest lack of familiarity with idiomatic English. I have taken the liberty of correcting mistakes in spelling, and a few other obvious blunders, but have made no attempt to revise the wording of the translations.

2. The Board of Audit was first organised in the Finance Department in 1871, but it was not till 1878, when rules for inspection were formulated, that the Board began to demonstrate its usefulness. After that year the Board possessed powers of inspecting the accounts of the different Departments of State and of Local Government bodies, but as the status of the Board was merely that of a Bureau in the Department of Finance, its surveillance did not extend beyond the accounts of the Local Governments. In 1880 (March 5, Imp. Notif. No. 18) the Board was improved by its transference to the direct control of the Council of State (Imp. Notif. No. 35, April 28, 1881), but in one respect its powers were



II. The Board of Audit shall be composed of a President, three Chiefs of Divisions, and twelve Inspectors. These functionaries shall be collectively styled Inspectors of Accounts. In addition to them there shall be appointed two Secretaries, twenty-four Assistant Inspectors, and a certain number of clerks.

III. The President shall be of *chokunin* rank, Chiefs of Divisions either of *chokunin* or of *sonin* rank, Inspectors, Secretaries, and Assistant Inspectors of *sonin* rank, and clerks of *hamin* rank.

IV. The President shall have general superintendence of the business of the Board, while Chiefs of Divisions shall manage the business of the respective Divisions.

In case of the disability of the President, he may be represented in his functions by the senior Chief of Divisions.

V. In the Board of Audit, there shall be established three Divisions, each Division being composed of a Chief and four Inspectors, and the work of inspection shall be divided among the different Divisions.

VI. Inspectors of Accounts shall be appointed according to qualifications determined by Imperial Ordinance.

Inspectors of Accounts shall not be either dismissed from office, transferred to other posts, or put on the *hishoku* list, against their will, unless by the effect of either a criminal or a disciplinary trial.

Rules relating to the discipline of Inspectors of Accounts will be separately determined.

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reduced, i. e. it could no longer inspect the accounts of the various Government offices previous to the actual expenditure of the funds, that function being handed over to the Bureau of Investigation in the Department of Finance. In 1882 and again in 1886 changes were made in the organisation of the Board, but its functions remained the same. By the changes introduced in the present law the Board was placed under the direct control of the Emperor, and was to be nominally independent of the Ministry. However the fact that it was to be headed by an official of *chokunin* rank, i. e. an official appointed by the Emperor upon the advice of the Cabinet, gave the Cabinet virtual control of the Board.

VII. Neither a parent and his son or sons, nor brothers can be Inspectors of Accounts at one and the same time.

VIII. An Inspector of Accounts cannot also fill another official post, or serve as member of the Imperial Diet or of a local assembly.

IX. The discussions of the Board of Audit shall take place either at general meetings or at divisional meetings. General meetings shall be presided over by the President, and divisional meetings by the Chief of the respective Division.

A majority of votes shall decide all questions. In the case of an equal vote, the President shall have a casting vote.

X. In the following cases decisions shall be arrived at in general meeting :—

1. When a memorial is to be addressed to the Emperor in accordance with Article XX, or when questions put to the Board by the Emperor are to be answered.

2. When a report has to be confirmed in accordance with Article XIV.

3. When opinions are to be stated in accordance with Article XVII.

4. When rules are to be made for the conduct of the business of inspection, or for the form of vouchers, or when the period for the transmission to the Board of Audit of such vouchers is to be either determined or altered.

5. In all other cases when the President considers that the matter in hand calls for a general meeting.

XI. All decisions as to the inspection of accounts shall be arrived at in a meeting. Whether in a general meeting or in a divisional meeting, shall be determined by the President.

## CHAPTER II.—FUNCTIONARY POWERS.

XII. The Board of Audit exercises control over financial matters by inspecting and confirming accounts relating to the collection and disbursement of Government money, to Government property, and to national loans.

XIII. The following matters require the inspection of the Board of Audit :

1. General final accounts.
2. Final accounts of the different Government offices, and final accounts relating to the receipts and expenses of Government undertakings, or to Government property.
3. Final accounts relating to the receipts and expenses of such corporate bodies and public or private undertakings as receive subsidies from the Government, or possess a guarantee of the Government by special arrangement.
4. Such final accounts as are subjected to the inspection of the Board of Audit by special law or Imperial Ordinance.

XIV. Simultaneously with the inspection and confirmation of final accounts in accordance with Article LXXII. of the Constitution, the Board of Audit shall submit reports as to the following particulars :—

1. Whether or not the amounts of money mentioned in the general final accounts and in the final accounts of the different Departments of State, correspond with the amounts of money mentioned in the accounts by the different accountants.
2. Whether or not the provisions of the budget and of laws or Imperial Ordinances have been observed in the imposition and collection of the revenue, in the disbursement of expenditures, and in the acquisition, sale, transfer, or employment of Government property.
3. Whether or not the approbation of the Diet has been obtained for such expenditures as exceed the appropriations of the budget or for such expenditures as are not provided for in the budget.

XV. The Board of Audit shall present to the Emperor a report on the results of the inspection of the accounts for each fiscal year; and when it appears, in view of the results of such inspection, that there is any matter in law or in administration that requires alteration, the Board of Audit may also address His Imperial Majesty a memorial on the subject.

XVI. The Board of Audit may delegate to a Government office the duty of inspecting accounts, and overseeing the



discharge of any liability resting on a section of the said office. But the result of the inspection must be reported to the Board of Audit by such Government office.

Even in cases, such as are mentioned in the preceding clause, when the inspection of accounts and the discharge of liability are delegated to a Government office, the Board of Audit may order such Government office to transmit the accounts for inspection.

The provisions of the present Article may also be applied in reference to the final accounts of corporate bodies and public or private undertakings mentioned in the third clause of Art. XIII.

XVII. The Board of Audit may, with regard to ordinances of the different Departments of State relating to the disbursement or collection of money or to book-keeping, obtain notice thereof before the issue of such ordinances, and may state its opinion on the matter.

The Board of Audit shall receive notice of ordinances of the different Departments of State establishing or altering rules relating to receipts and expenditures, prior to the issue of such ordinances.

XVIII. The Board of Audit shall determine the forms of accounts and of proofs of accounts, the time for forwarding accounts and proofs of accounts, and the period in which answers to the questions of the Board of Audit are to be returned.

XIX. The Board of Audit may cause any of the Government offices to forward to it any books or documents that may be required in connection with the process of inspecting, and may also demand explanations from the officials concerned.

The President of the Board of Audit may, when he deems it necessary in connection with the work of inspection, despatch competent officials to conduct actual inspection on the spot. In this case notice shall be given beforehand to the chief official in whose jurisdiction such inspection is to be made. Such

chief official may order a competent official to be present at the inspection.

XX. When, upon inspection, the Board of Audit decides that the accounts and vouchers prepared by officials charged with responsibility for the same are proper and correct, it shall give certifications to the officials concerned, and thus discharge them from liability. If necessary the Board of Audit shall put questions to the officials concerned, and require them to make either explanations or corrections. Should it still appear that the accounts and vouchers are not proper and correct, the Board of Audit shall communicate that fact to the official having control over the officials concerned with the accounts, and shall cause him to take proper measures.

XXI. The amount of a fine fixed by the decision of the Board of Audit, cannot, unless by the grace of the Emperor, be either reduced in amount or totally remitted by the official having control over the party liable for the fine.

XXII. When an accounting official either neglects to forward accounts or proofs of accounts, or does not observe the proper forms, the Board of Audit may communicate the fact to the official having control over such accounting official, and demand that disciplinary steps be taken.

XXIII. Accounts relating to secret service expenses of the Government shall not be subject to the inspection.

XXIV. Even in cases where a certificate has been given, the Board of Audit may at any time during five years from the day on which such certificate was delivered, institute a second inspection, should such be demanded by an accounting official or should a mistake, or omission or duplicate entry be discovered in the accounts. When there is reason to suppose that a fraudulent voucher has been made use of, a second inspection may be made even after the lapse of five years.

Accounting officials are not permitted to demand a second trial in the face of a decision arrived at by the Board of Audit at a second inspection of accounts.

## CHAPTER III.—SUPPLEMENTARY RULE.

XXV. Rules for the conduct of business in the Board of Audit shall be determined by Imperial Ordinance.

*J.W.M.*, 1889, May 25, 501.

## 24. ELECTION OF THE REPRESENTATIVE PEERS.

(Imp. Ord. No. 78, June 4, 1888.)

I. Counts, Viscounts, and Barons of legal age shall each from among their respective orders elect peers to represent them in the House of Peers.

II. Shinto priests, and priests and teachers of religion of all kinds, shall be ineligible for election.

III. Persons falling under any of the following classes shall be disqualified for voting or for election :—

1. Lunatics and idiots.

2. Persons who have been declared bankrupt, and have not yet discharged their liabilities.

IV. Persons against whom criminal prosecutions have been brought, and who are in detention or under bail, shall be incapable of exercising the right to be elected until the completion of such proceedings.

V. The number of Members who are to be elected in accordance with Article IV. of the Imperial Ordinance concerning the House of Peers, shall be fixed by an Imperial Order, previous to the date of such election.

VI. The Chief of the Board of Orders of Nobility and Rank shall, fifty days previous to the date of election, prepare lists of Counts, Viscounts, and Barons possessing the qualifications to vote, and shall distribute the same among all the members of the respective orders of nobility. He shall settle the said lists three days previous to the date of election, and send copies of them to each chief officer of election.



When any person has either acquired or regained the necessary qualification previous to the date of such settlement, his name shall be entered in the list.

VII. Counts, Viscounts, and Barons possessing the qualifications to elect, shall each elect from amongst those of their own order of nobility a chief officer of election, whose duty it will be to superintend elections.

The term of service of such chief officers of election shall be coextensive with that of the Members mentioned in Article IV. of the Imperial Ordinance concerning the House of Peers.

Election as chief officer of election shall not prevent any one from exercising his right to elect or to be elected (a Member of the House of Peers).

VIII. Every chief officer of election shall nominate not less than three witnesses from amongst the electors of his own order of nobility, and shall require them to be present at the place of election.

IX. The election shall take place in Tōkyō on the 10th of July.

X. Electors shall vote by attending personally at the proper place of election.

In each ballot ticket shall be stated the order of nobility and names of the persons to be elected, followed by the order of nobility and names of the elector.

XI. When an elector is unable to attend the place of election on account of his residing without the City of Tōkyō or on account of sickness or some other circumstance, he may entrust his ballot to another elector of his own order of nobility.

In the case mentioned in the preceding clause, the ballot shall be sealed, and the elector shall put his signature and stamp on the envelope. The ballot shall then be transmitted with a power of attorney, to the person to whom it is to be entrusted.

XII. The candidate who has obtained a relative majority of votes shall be declared elected.

When the number of votes is equal, the individual who is

senior in point of age shall be declared elected and when the dates of birth are the same, the vote shall be decided by drawing lots.

XIII. All provisions relating to election, other than those that have been mentioned in the foregoing articles, shall be determined in conference by Counts, Viscounts, and Barons possessing the qualification to elect.

XIV. When a candidate has been elected the chief officer of the election shall report to the Emperor the order of nobility and name, and at the same time announce the same to the President of the House of Peers.

XV. The chief officer of the election shall keep minutes of the election, in which shall be recorded all matters relating to the same, and shall put his signature and stamp on them together with those of the witnesses. A duplicate copy of the same shall be sent to the House of Peers.

XVI. When a vacancy occurs among the Members, the President shall report the matter to the Emperor, and an Imperial Order shall then be issued, ordering a by-election to be held, and fixing the date for the same.

The procedure of a by-election as above shall be the same as in the case of an ordinary election.

XVII. The term of service of a Member so elected shall correspond with that of his predecessor.

XVIII. The period for instituting causes in the House of Peers, under Article IX. of the Imperial Ordinance concerning the House of Peers, shall be limited to ten days after the opening of the House.

XIX. The expense of each election shall be borne by the members of the respective orders of nobility.

*J.W.M.*, 1889, June 15, 578.

25. ELECTION OF THE REPRESENTATIVES OF THE HIGHEST  
TAX-PAYERS TO THE HOUSE OF PEERS.

(Imp. Ord. No. 79, June 4, 1889)

I. Those alone shall be qualified to be mutual electors of Members of the House of Peers as provided in Article VI. of the Imperial Ordinance concerning the House of Peers, who, in the respective Fu or Ken have had their permanent abode, and have actually resided and paid the highest amount of direct national taxes for not less than one full year previous to the date of the preparation of the mutual electoral list, and who are still residing therein and paying the said amount of direct national taxes.

II. In the case of a person who has succeeded to an estate by inheritance, the amount of taxes paid by his predecessor shall be included in his qualification.

III. Shintō priests, and priests and teachers of religion of all kinds, shall be disqualified as mutual electors.

IV. Persons falling under any of the following specifications, shall be disqualified as mutual electors :—

1. Lunatics and idiots.
2. Persons who have been deprived of public rights or whose public rights are suspended.
3. Persons who have been sentenced to confinement, and in whose case full three years have not yet elapsed since the completion or pardon of their sentences.
4. Persons who have been sentenced under the old Criminal Code to penal servitude, and in whose case full three years have not yet elapsed since the completion or pardon of their sentences.
5. Persons who have been punished for gambling, and in whose case full three years have not yet elapsed since the completion or pardon of their sentences.
6. Persons whose right to elect and to be elected is suspended on account of any offence connected with the election of Members of the House of Representatives.

V. Men in the Army or in the Navy can not exercise the right of mutual election, while on active service. The same rule applies to such as have temporarily retired from active service, or who have been suspended therefrom.



VI. Any person, against whom a criminal prosecution has been brought, and who is in detention or under bail, shall be disqualified as a mutual elector, until the completion of such proceedings.

VII. When any mutual elector commits a delict or graver offence, in connection with mutual election, his name shall be struck off the mutual electoral list.

VIII. The Governor of a Fu or of a Ken shall by the 1st of April in the year in which election is to take place, prepare a list of fifteen persons possessing the qualification for mutual election in the respective Fu or Ken.

In the mutual electoral list shall be entered the name, profession, class, residence, and date of birth of mutual electors, detailed statements of the direct national taxes they are paying on land or on any industry or trade, the total amount of such taxes, and the place wherein such taxes are paid.

IX. When the amount of tax paid is equal, the individual who is senior in point of birth shall have precedence, and when the dates of birth are also the same, the election shall be decided by drawing lots.

X. The Governor of a Fu or Ken shall distribute copies of the mutual electoral list among all mutual electors prior to the 20th of April, and shall at the same time notify it throughout the districts under his jurisdiction.

XI. When any person possessing the qualification for mutual election discovers that his name has not been entered on the mutual electoral list, he may, within fifteen days from the issuing of the notification mentioned in the preceding Article, forward a notice to the Governor of a Fu or Ken, stating his reasons and furnishing corroborative evidence.

Any person possessing the qualification for mutual election may, whenever he discovers that an individual who has not such qualification is entered on the mutual electoral list, demand correction according to the process mentioned in the preceding clause.

No notice that is forwarded after the lapse of the proper period shall have effect.

XII. Upon receipt of such notice as is mentioned in the preceding Article, the Governor of a Fu or Ken shall decide the matter within twenty days from the day on which such notice was received. When a correction is made in the list as the result of such decision, the fact shall be communicated to the persons concerned, and it shall at the same time be notified throughout the districts under the jurisdiction of the Governor.

XIII. The 1st of June shall be fixed as the date of settlement of the mutual electoral list.

XIV. The election shall be held at the Fu or Ken office on the 10th of June and the Governor of the Fu or Ken or his delegate shall superintend it.

XV. The Governor of a Fu or Ken shall fix the hour at which voting is to take place, and shall send a written communication to the same effect to every mutual elector, at least seven days previous to the date of the election.

XVI. Mutual electors shall vote by attending personally at the place of election.

On the ballot ticket shall be stated the names of the person to be elected and the names of the elector.

XVII. When any mutual elector is unable to attend the place of election on account of sickness or other cause, he may entrust his ballot to another mutual elector, by sealing it and placing on the envelope his signature and stamp, and further by accompanying it with the certificate of a medical practitioner or a statement of the circumstances.

XVIII. After voting, the chief officer of election shall count and inspect the ballots in the presence of the mutual electors, and shall acquaint them with the result of the voting. In case the elected person is not present the fact shall be at once notified to him by a written communication.

XIX. When there is any doubt as to the regularity of a ballot, it shall be decided by the chief officer of election.

XX. The candidate who has obtained a relative majority of the vote shall be declared elected.

When the number of votes is equal, the individual who is senior in point of birth shall be declared elected, and when the dates of birth are also the same, it shall be decided by drawing lots.

XXI. When the elected person declines to accept election, the person who has obtained the next relative majority shall be declared elected.

The period during which an elected person may decline election, shall be ten days after the date of election,

XXII. When a candidate has been elected, the Governor of the Fu or the Ken shall report to the Minister President of State, stating the qualification of the elected person and the circumstances of the election.

XXIII. The chief officer of election shall prepare minutes of the election, in which shall be entered all matters relating to the election, and to this he such affix his signature and stamp. A duplicate copy of the same shall be sent to the House of Peers.

XXIV. When a vacancy occurs among the Member, the President shall report the matter to the Emperor and an Imperial Order shall be issued, ordering the Fu or Ken concerned to hold a by-election.

The date and procedure of carrying out such by-election shall be the same as in the case of an ordinary election.

XXV. The term of service of a member so elected at a by-election shall correspond with that of his predecessor.

XXVI. The period for instituting causes in the House of Peers, in accordance with Article IX. of the Imperial Ordinance concerning the House of Peers, shall be limited to ten days after the opening of the said House.

*J.W.M.*, 1889, June 15, 579.



## 26. FUNCTIONS OF THE CABINET.

(IMP. RESCRIPT, DEC. 24, 1889.)

I. The Cabinet is composed of the various Ministers of State.

II. The Minister President of State stands at the head of the Ministers of State, reports affairs of State to the Sovereign, and in compliance with Imperial instructions, has general control over the various branches of the Administration.

III. The Minister President of State, should an occasion seem sufficiently important to demand such a course, has competence to give instructions to any branch of the Administration or to suspend its notifications, pending an expression of the Sovereign's will on the subject.

IV. All laws and all Imperial ordinances affecting the Administration as a whole, shall bear the countersignature of the Minister President as well as that of the Minister from whose Department they directly emanate. All Imperial ordinances affecting a special Department only, shall be countersigned by the Minister of the Department alone.

V. The following matters shall be submitted for deliberation by the Cabinet :—

1. Drafts of laws, financial estimates, and settled accounts.
2. Treaties with foreign countries and all national questions of importance.
3. Ordinances relating to Administration, or to the carrying out of regulations and laws.
4. Disputes connected with the relative competence of Minister of Departments.
5. Petitions from the people, handed down from the Throne or submitted by the Imperial Diet.
6. Expenditures apart from the ordinary estimates.
7. Appointments of *chokumin* officials and of Prefects and Governors, as well as their promotions and removals.

In addition to the above, any important matters connected with the duties of Ministers of Departments, and

having relation to the higher branches of the Administration, shall also be submitted for deliberation by the Cabinet.

VI. Every Minister of a Department is competent to submit any matter whatsoever bearing on his functions for the consideration of the Cabinet through the Minister President.

VII. With the exception of military or naval affairs of grave importance which, having been reported directly to the Sovereign by the Chief of Staff, may have been submitted by His Majesty for the consideration of the Cabinet, the Ministers of State for War and the Navy shall report to the Minister President.

VIII. Should the Minister President be prevented from discharging his functions, they may be temporarily delegated to another Minister of State in conjunction with the latter's own duties.

IX. Should any Minister of State be prevented from discharging his functions, they may be delegated temporarily to another Minister of State in conjunction with the latter's own duties, or another Minister may be appointed to discharge them.

X. In addition to the various Ministers of State, a Minister may be specially authorised to sit in the Cabinet.

*J.W.M.*, 1889, Dec. 28, pp. 595-96.

## 27. THE INTERPRETATION OF THE SIXTY-SEVENTH ARTICLE<sup>1</sup> OF THE CONSTITUTION.

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I. Expenditures involved in the exercise of the Imperial Prerogative, as defined in the Constitution.

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1. The Minister President of State issued a circular despatch explaining in detail the manner in which the sixty-seventh article of the Constitution was to be applied in the compilation of the budget. The plan outlined set forth in full the various items included under the three headings, "Expenditures involved in the exercise of the Imperial Prerogative," "Expenditures due to the effect of Law," and "Expenditures appertaining to the legal obligations of the Government."

1. Salaries of Military and Civil Officials and Departmental Expenditures.

2. Expenditures on account of the Army, the Navy, the Gendarmerie, and the Militia.

3. Expenditures arising out of Foreign Treaties.

4. Good service annual allowances and rewards. But expenditures on account of the Half-pay List, the Retired List, the Suspended Diet, as well as mortuary allowances and donations granted in accordance with Imperial commands, and rewards included in the fixed appropriations, shall depend upon the Allowances Regulations.

II. The items to be included in Departmental Expenditures are the cost of furniture and machines, of stationery, of correspondence and of the carriage of goods. Other Departmental Expenditures, excepting those connected with building or repairs, shall be included in the class of "Extraordinary Expenses;" and the same rule shall apply to outlays on account of buildings in the Expenditures for the Army, the Navy, the Gendarmerie and the Militia.

III. The following are the items of expenditures arising out of Foreign Treaties:—

1. On account of buildings in the Foreign Settlements.

2. On account of the administration of the Foreign Settlements.

3. On account of postal or telegraphic conventions with other countries.

4. On account of the Yokohama Public Garden.

5. On account of the Yokohama warehouses for explosives and combustibles.

6. On account of the purchase of *ad valorem* imports.

7. On account of the administration of the settlements in Korea.

IV. The following are the items of "Expenditures arising by the Effect of Law," referred to in the 67th Article of the Constitution:—

1. On account of the Diet.

2. Pensions and grants to civil officials.

3. Pensions to military and naval officers and grants on retirement.



4. On account of the famine relief fund.
5. Connected with the conscription.
6. On account of shipwrecks, at home or abroad.
7. On account of police and of police duties in combination with Departments.
8. On account of persons undergoing punishment by sentence of law. This, however, is restricted to houses of correction, to the Hokkaido prison, to the Ogasawara and Okinawa Islands, and to Legation jails abroad.
9. On account of the manufacture or re-purchase of documentary stamps and the stamping of postal-cards.
10. On account of the manufacture of licenses.
11. On account of the Income Tax revising officials.
12. Grants to local governments.
13. On account of works of communication.
14. On account of the re-purchase of public lands in the Hokkaido.
15. Allowances on account of death or injury on service.
16. On account of rewards and grants (other than those enumerated in items 2 and 3).
17. On account of buoys.
18. On account of criminal courts.
19. On account of the purchase of distrained goods.
20. On account of failures to pay taxes.

V. The following are the items of "Expenditures appertaining to the legal obligations of the Government," referred to in the 67th Articles of the Constitution.

1. On account of redemption and payment of interest and principal of public loan bonds.
2. On account of law-suits.
3. On account of the Okinawa Prefecture salaries.
4. On account of local administration in Okinawa Prefecture.
5. On account of shrines and temples.
6. On account of contributions to riparian works in cities and prefectures (yearly grants excepted).
7. On account of contributions to road construction in cities and prefectures (yearly contributions excepted).
8. On account of contributions to hospitals in the settlements in Korea.
9. On account of subsidy for maritime service in Okinawa.

10. On account of subsidy to the Japan Railway Company.
11. On account of subsidy to the Kiushiu Railway Company.
12. On account of subsidy to the Osaka Merchant Shipping Company.
13. On account of subsidy to the Kobe-Naha Navigation Company.
14. On account of subsidy to the Japan Mail Steamship Company.
15. On account of subsidy of maritime communication between Nagasaki, Tientsin, Chefoo, and Tientsin.
16. On account of subsidy to the Cotton-spinning Company.
17. On account of subsidy to the Mombetsu Sugar Factory.
18. On account of subsidy to the Sapporo Sugar Factory.
19. On account of subsidy to the Coal-mine Railway Company.
20. On account of subsidy to the company for promoting industries.
21. On account of subsidy to the Hakodate Waterworks.
22. On account of subsidy to the Hokkaido Navigation.
23. On account of grants to foreign employés, their salaries, allowances, and lodging money.
24. On account of returns of payments.
25. On account of the hire of land and houses already determined by agreement.
26. On account of the printing of customs returns, tables, &c.

*J.W.M.*, 1890, Feb. 15, pp. 161-62.

## 28. GENERAL RULES FOR DEPARTMENTAL ORGANISATION (AMENDED).

(Imp. Ord. No. 50. Mar. 27, 1890.)

I. The phrase "each Department" in these rules means the Foreign, Home, Finance, War, Naval, Judicial and Educa-

tional Departments, and the Departments of Agriculture and Commerce, and of Communications.

II. The Minister of each Department shall have responsibility with respect to those affairs as to which he has now, or at any future time under laws or Imperial ordinances may have chief control.

Should any matter in reference to which responsibility should exist relate to two Departments, the Ministers of such two Departments shall consult with a view to deciding on whom the chief responsibility to His Imperial Majesty the Emperor shall rest. Should such consultation fail to bring about a satisfactory result then the matter shall be decided by the Cabinet.

III. Should it seem necessary to the Minister of a Department that any law or Imperial ordinance relating to his chief responsibility should be established, amended, or annulled, he shall submit a statement of his opinion on the subject to the Cabinet.

IV. Each Minister of a Department may by virtue of his official power, or of special authorisation, within the limits of laws or Imperial ordinances, issue departmental ordinances with reference to affairs for which he has chief responsibility, in order to maintain peace and order, or to carry into effect laws and Imperial ordinances.

V. Each Minister of a Department may, within the limits of laws and Imperial ordinances, establish by-laws for the management of the affairs of bureaux in the Department, or of offices or committees under its control.

VI. Each Minister of State may delegate his duties to the Vice-Minister of his Department, or may entrust to him a portion of such duties, always excepting the countersignature of laws and Imperial ordinances, the statement of Departmental affairs before His Imperial Majesty, attending at Cabinet meetings, and issuing departmental ordinances.

Should the Vice-Minister be incapacitated or unable to



attend to his duties, the Minister may appoint higher officials of the Department to discharge them temporarily.

VII. Each Minister of State may issue orders or instructions to the Chief of the Metropolitan Police Office, the Chief of the Hokkaido Administration Board, or Governors of Cities or Prefectures.

VIII. Each Minister of State shall have control over the Chief of the Metropolitan Police Office, the Chief of the Hokkaido Administration Board and Governors of Cities or Prefectures in matters coming within his chief responsibility, and should it appear to him that any measure or order of the Chief of the Metropolitan Police Office, the Chief of the Hokkaido Administration Board, or the Governor of a City or Prefecture, is contrary to rule, injurious to the public or *ultra vires*, he may suspend or annul such measure or order.

IX. Each Minister of a Department shall control all officials subordinate to him, shall direct the promotion and removal of officials of *sonin* rank in accordance with the Imperial will, and shall at his own discretion promote or remove officials of *hannin* rank.

The Minister of State for Home Affairs shall promote or remove in accordance with the Imperial will City and Prefectural Secretaries, Police Superintendents, Chiefs of Islands, and Rural Divisional Magistrates; and the Minister of State for Finance shall in similar manner promote or remove Chief Tax Collectors.

X. Each Minister of State shall submit memorials to His Imperial Majesty through the Minister President of State, as to appointments to new rank (*Kurai*) or the conferring of decorations or pensions upon officials subordinate to him.

XI. Each Minister of a Department shall, through the Minister President of State, submit a memorial annually in June as to the work done during the previous financial year, and as to the merits of those subordinate to him.

XII. Each Minister of a Department shall report at fre-

quent intervals to the Minister President of the State as to affairs coming within his chief responsibility.

XIII. Each Minister of a Department may, within the limits of the financial estimates for the year, reward meritorious officials under *sonin* rank, and may intimate the same through the *Official-Gazette*.

XIV. Each Minister of a Department may, in accordance with laws and Imperial ordinances, correct or admonish officials subordinate to him.

XV. In each Department there shall be the following officials :—

Vice-Minister, Directors of bureaux, Councillors, Confidential Secretaries, Secretaries, Probationers, and Attaches.

XVI. The Vice-Minister of each Department shall be of *chokunin* rank.

XVII. The Vice-Minister shall be responsible for the superintendence of the affairs of bureaux, under the orders of the Minister, and shall supervise departmental affairs generally.

XVIII. The Vice-Minister shall, within the limits of Article VI., discharge the duties of the Minister or deal with matters entrusted to him by order of the Minister.

XIX. The Vice-Minister may, as the agent of the Minister, sign public documents.

XX. A Ministerial Chamber shall be established in each Department. The following matters shall be dealt with therein :—

Secret documents ; secret affairs ; the promotion, removal and status of officials (this last, however, according to the convenience of the Department may be disposed of in the Bureau of General Affairs) ; custody of the Ministerial Seal, and the Seal of the Department ; other business included in the affairs of the Ministerial Chamber by the Special Rules as to the Organization of Departments.

XXI. In each Department a Bureau of General Affairs shall be established to control all the business of the Department.

The Bureau shall deal with the following matters :—

1. Examination of documents prepared by bureaux; and the drafting of public documents.
2. To receive and issue documents prepared by bureaux, and public documents.
3. To collect materials for statistical returns, to adjust and prepare statistical returns; and to send to the *Official Gazette* matters intended for publication therein.
4. To collate and preserve all public documents of the Department and its bureaux.
5. To dispose of other matters coming specially within its province in accordance with the Special Rules for the Organization of Departments.

XXII. According to the convenience of the Departments, the Bureau of General Affairs may be dealt with in the Ministerial Chamber.

XXIII. In each Department there shall be established bureaux to dispose of different branches of business. The apportionment of such business shall be determined in accordance with the Special Rules for the Organization of Departments.

XXIV. The apportionment of business in the Ministerial Chamber, in the Bureau of General Affairs, and in each bureau shall be decided by each Minister, after the question has been debated by the Cabinet, in accordance with the convenience of his Department. The apportionment of business in the War and Navy Departments shall be decided in accordance with the Special Rules for the Organization of Departments.

XXV. There shall be in each bureau one Director, and where a Vice-Director is necessary that office may be established in accordance with the Special Rules for the Organisation of Departments.

The Director shall be an official of *chokunin* rank or *sonin* rank. His rank shall be decided by the Special Rules for the Organization of Departments.

The Vice-Director shall be of *sonin* rank.

XXVI. The Director shall act as Chief of the Bureau and shall, subject to the orders of the Minister or Vice-Minister,



supervise and control the affairs of each sub-division of his bureau.

XXVII. The Director shall at his own discretion, transact the business attached to his office or which has been specially entrusted to him on his own responsibility as Chief of the bureaux.

XXVIII. The Vice-Director shall assist the Director, and in the absence of the latter, shall, under the orders of the Minister, perform his duties.

XXIX. Councillors shall be of *sonin* rank, shall advise the Minister or Vice-Minister when their opinion is required, and shall discuss business and prepare drafts.

Other business coming within the province of Councillors shall be decided by the Special Rules for the Organization of Departments.

XXX. Councillors may for the convenience of the Department be required to undertake, in addition to their usual duties, business in a bureau, or assist temporarily in the transaction of such business.

XXXI. Confidential Secretaries shall be of *sonin* rank, and shall be employed in the Ministerial Chamber under the orders of the Minister.

There shall be two Confidential Secretaries in each Department.

XXXII. Confidential Secretaries may be required to assist temporarily in the discharge of the affairs of the Department.

XXXIII. Secretaries shall be of *sonin* rank, shall be attached to the Ministerial Chamber, the Bureau of General Affairs or other bureau, and may take charge of a sub-division of such Chamber or bureau under the orders of the Minister or Vice-Minister.

XXXIV. The number of Councillors and Secretaries in each Department exclusively discharging the duties of such offices, shall be eight altogether, and their respective numbers shall be decided by the Special Rules for the Organization of Departments.

XXXV. Probationers are persons who have been appointed to study and become acquainted with the business of a Department prior to their appointment to an office.

The number of Probationers in each Department shall be fixed by the Special Rules for the Organization of Departments.

XXXVI. In every *kwa*, or subdivision, of a bureau there shall be a chief, who shall be of *hannin* rank and shall supervise the affairs of the *kwa* in accordance with the orders of the Director of his bureau.

Cases in which officials of *sonin* rank may be ordered to take the office of chief of a *kwa* in addition to their other duties, shall be provided for in the Special Rules for the Organization of Departments.

*Kwachō* (Chief of sub-division) in the War and Navy Departments shall be military or naval officers or *riji* or *shuri*.

XXXVII. Attachés (*soku*) shall be of *hannin* rank, and shall discharge duties connected with registration, and with the keeping of accounts and books, under the orders of their superiors.

XXXVIII. The number of *hannin* officials in each Department shall be decided by the Special Rules for the Organization of Departments.

Each Minister of a Department may, according to temporary necessities, sanction the engagement of employés within the limits of the estimated salaries of *hannin* officials.

XXXIX. Special officials in addition to those mentioned in this Law, who may be necessary in a particular Department, shall be provided for in the Special Rules for the Organization of Departments.

XL. When assessors or advisers are necessary in a particular Department, the circumstances of each case shall be submitted to a meeting of the Cabinet with a view to obtaining His Imperial Majesty's sanction.

## 29. ELECTIONS TO THE HOUSE OF REPRESENTATIVES.

(Imp. Ord. No. 3, Jan. 9, 1890.)

I. Electors must have attained the full age of twenty-five years before the date of election (1st July).

II. Should any elector remove for a long or short period from his place of permanent residence to another city or prefecture, and return to his place of permanent residence, the period of residence mentioned in the second clause of Article VI. of the Law of Election to the House of Representatives shall be held to have been affected. This will not apply, however, in case of residence at other places during travel.

III. The tax-paying qualification of an elector will be recognised if, in the case of the land tax, he holds land and pays on the same an amount of *yen* 15 or above for one full year previous to the making up of the electoral roll; and in the case of income tax, if he pays such tax for three full years previous to the making up of the electoral roll.

Should the ownership of land be changed under sale or transfer, the period of new ownership will be reckoned from the date of registration (of such sale or transfer).

Any person who has paid income tax for more than three full years, and land tax for more than one full year, will acquire tax-paying qualification when the sum of those two taxes amounts to *yen* 15 and upwards. When, however, the yearly amounts paid vary, the minimum sum will be taken to count in the case of the land tax.

IV. Land tax on mortgaged land will be reckoned in computing the tax-paying qualification of the owner.

V. In the case of land jointly owned by several persons, the land tax will be equally divided, and a share counted in the computation of the tax-paying qualification of each of such persons. Where, however, the share of ownership or the shares of land tax payable by each owner are mentioned in the Land



Register or corresponding record, such shares will be employed in such computation.

VI. The age qualification of each candidate for election will consist in his having attained the full age of thirty years prior to the date of election.

The tax-paying qualification of an otherwise eligible person who has succeeded to property by inheritance will be the same as that provided for in Article VI. of the Law of Election.

VII. Officials of the Metropolitan Police cannot, under Article X. of the Law of Election, be eligible for election in the city of Tōkyō.

VIII. In a case where an election district is formed by the amalgamation of a rural division (*gun*) with a municipality (*shi*), or of two rural divisions, rural officials who are connected with the carrying out of the election cannot be eligible for election in such district, in accordance with the provision as to municipal, town, and village officials in Article XI. of the Law of Election.

IX. The term "Shintō priests," mentioned in Article XII. of the Law of Election, means those who are employed in service connected with shrines; and "priests and teachers" in the same Article means those whose status is regulated by religious laws or ecclesiastical regulations, or those who are employed in propagating the doctrines of any religious sect.

X. If towns and villages combine to form one town and village office, such united towns and villages will be recognised as one voting district.

If one municipality or municipal district becomes an election district, such district, will, under the conditions of clause 1, Article XIX. of the Law of Election, be recognised as a voting district.

If several districts in a municipality become one election district, under the conditions of clause 2, Article XIX. of the Law of Election, such district will be recognised as a voting district.

If a rural district and a municipality are combined and form one election district, under the conditions of clause 3,

Article XIX. of the Law of Election, the towns and villages will be recognised as one voting district and the municipality as another.

XI. Each elector's name will be included in *i, ro, ha* order, and numbered.

XII. If an elector's name is omitted from the electoral list in consequence of his inability from reasonable causes to comply with the conditions of Article XX. of the Law of Election, he may give notice of the omission in accordance with Article XXIII. of the Law of Election.

XIII. The carrying out of a decision of the Presiding Officer of the Election or of a judgment of the Court of First Instance, shall not be delayed by any suit against the decision or appeal against the judgment.

XIV. Should an elector remove his residence outside his voting district after the electoral list has been made up, he shall vote at the voting place for his former residence.

XV. Should a witness fail to attend at the time when the voting begins, the Presiding Officer at such voting place shall nominate a witness in his place from among the electors present.

XVI. The Presiding Officers of voting places shall distribute to each elector, at least five days before the date on which the voting is to take place, entrance tickets to the buildings where the votes are taken.

Electors who have not received entrance tickets may demand the same.

Persons intending to vote under Art. XIV. of these regulations may demand an entrance ticket.

Each entrance ticket shall bear the name and place of residence of the elector, his number in the electoral list, and the place and date of voting.

XVII. On entering the voting booth each elector shall hand his entrance ticket to the attendant, and should the place be crowded, the electors may be required to accept tickets showing the order in which they shall vote.

XVIII. An elector who has lost his entrance ticket may, on explanation of the fact, be permitted to enter the voting booth.

XIX. Each Presiding Officer of a voting place shall require each elector to give his own name, and after comparing the same with the electoral list shall hand to him a voting paper. When a ticket has been given showing the order of attendance at the voting booth, a voting paper shall be given in exchange for such ticket in the order so fixed.

XX. When an elector has accidentally spoiled a voting paper, he may demand its return.

XXI. Electors shall with their own hands place their voting papers in the ballot-box in presence of the Presiding Officer and witnesses, and shall leave the voting place in regular order.

XXII. When the period for voting expires, the Presiding Officer shall intimate the fact, close the doors temporarily and shut the ballot-box, after allowing those electors to vote who may be inside but have not yet voted.

XXIII. The President of the Election shall lay before the Election Committee the ballot-boxes, which he shall open and examine on the day after the ballot-boxes have arrived from all localities, in regular order, and shall require the Committee to read from each ballot the names of the electors and of the candidates, and two clerks to enter on the ballot-record the votes gained by each candidate.

XXIV. When the process of entering the votes on the ballot record has been finished, the President shall read out the total number of votes gained by each candidate.

XXV. After being inspected the ballots shall be placed together, distinguishing those that are valid from those that are void, and the President and Election Committee shall seal them.

A *scrutin de liste*, one part of which is void, shall be presented with the void ballots.

XXVI. When it is found impossible to carry on the process of voting or to hold an election meeting, the Presiding



Officer of the voting place or the President of the Election shall desist from attempts to do so, and report the facts to the Governor of the Prefecture or City, who shall appoint a date to be notified in the voting or electoral district at least five days previously, and shall order the voting to go on and the election meeting to be opened.

XXVII. When a candidate who has been declared elected in consequence of seniority in point of age, under clause 2, Article I.VIII. of the Law of Election, sends in his resignation or does not within the period prescribed in Article LXIII. intimate his acceptance of the election, the person who was not previously chosen in consequence of the other's seniority, shall be declared elected.

XXVIII. The period within which notice of acceptance, as provided for in Article LXIII., must be given shall be reckoned from the day on which notice is given of the names of the elected person, under Article LX.

XXIX. Persons who are desirous of appealing against the decision of the President of the Election under Article LII. of the Law of Election, or of the Presiding Officer of the voting place, under Article LXX., may bring an action in a Court of First Instance, in which case the procedure specified in Article XXVI. of the Law of Election shall be followed.

XXX. Should the President of the Election or the Presiding Officer of a voting place be incapacitated by some cause from discharging his functions, one of his subordinate officials may be appointed to take his place.

*J.W.M.*, 1890, Jan. 25, pp. 82-83.

### 30. ORGANISATION OF THE LEGISLATIVE BUREAU.

(Imp. Ord. No. 91, June 11, 1890.)

I. The Legislative Bureau shall be attached to the Cabinet, and shall conduct the following affairs:—

1. It shall draft laws and ordinances in accordance

with the orders of the Minister President of State, and submit the same with reasons therefor.

2. Should the Bureau entertain any opinion with regard to the enactment, abolition or amendment of laws or ordinances, it shall memorialize the Cabinet relative thereto.

3. The Bureau shall examine, give opinions on, or amend drafts of laws or ordinances sent for the discussion of the Cabinet from Ministers of Departments, and memorialize the Cabinet relative thereto.

4. Besides the business mentioned in the above paragraph, the Bureau shall express its opinion on any point laid before it by the Minister President of State.

II. The following officials shall form the Legislative Bureau :—

President ..... 1 *chokunin*.

Chiefs of Sections ... 3 *chokunin* or *sonin* of the 1st rank.

Councillors ..... 15 *sonin*.

Secretaries ..... 2 *sonin*.

Probationers ..... 6

Attachés ..... 30 *hannin*.

III. The President shall report to the Minister President of State as to the promotion or removal of officials of *sonin* rank but shall regulate at his own discretion the promotion or removal of officials of *hannin* rank.

IV. Three sections shall be established in connection with the Legislative Bureau, to transact the following business :—

First Section.—Matters relating to home and foreign affairs, military institutions, and education.

Second Section.—Matters connected with finance, industries, transports, and communications.

Third Section.—Matters relating to the civil and commercial codes, the code of civil procedure, the penal code, the code of criminal procedure, amnesty, and other judicial affairs.

V. The President shall superintend all business of the

Bureau and have control over Chiefs of Sections and Councillors.

VI. The President may, irrespective of the Sections, appoint temporary committees for purposes of investigation, and may when necessary direct Secretaries to draft bills (*gian*).

VII. Should the President be for some reason prevented from fulfilling his functions, the senior Chief of Section shall act as his substitute.

VIII. Each Chief of Section shall have superintendence over the affairs of his Section, and shall adjust the business to come before meetings of the same.

IX. Should necessity arise the Chiefs of Sections and Councillors of the Bureau shall assemble together in general meeting; the discussion shall be regulated by the President, and the responsible Secretary or Councillor shall explain the subject of debate.

The President may appoint a Chief of Section to regulate the discussion at any such meeting.

X. Each Minister of State of a Department may send a responsible official to attend general meetings of the Legislative Bureau, in order to explain matters connected with his particular department, but such official shall not have a vote at such meeting.

Each Minister of State of a Department may attend such meetings.

XI. Should it be found necessary, the Legislative Bureau may requisition the aid and assistance of a chief responsible official from any Department.

*J.V.M.*, 1890, June 21, p. 635.



# 4—THE ORGANISATION FOR LOCAL GOVERNMENT.

## 1. OFFICIALS OF THE FU AND KEN.<sup>1</sup>

Fu Officials.	Ken Officials.
Chiji	Chiji
Gon-chiji	Gon-chiji
Dai-sangi	Dai-sangi
Gon-daisangi	Gon-daisangi
Shō-sangi	Shō-sangi
Gon-shōsangi	Daisakwan
Tenji	Gon-daisakwan
Gon-tenji	Shō-sakwan
Daisakwan	Gon-shōsakwan
Gon-daisakwan	Shishō
Shō-sakwan	Chōjō
Gon-shōsakwan	
Shishō	
Chōjō	

*H-Z.*, 1871, 317.

## 2. OFFICIALS OF THE FU AND KEN (FU-KEN-KWANSEI).

(Dec. 9, 1871.)

Official Class.	Fu.	Ken.
3rd class	Chiji	
4th "	Gon-chiji	Chiji
5th "	Sangi	Gon-chiji
6th "	Gon-sangi	Sangi
7th "		Gon-sangi
8th "	Tenji	Tenji
9th "	Gon-tenji	Gon-tenji

1. Cf. the officials of the Han in 1870 as presented on p. 28.

Official Class.	Fu.	Ken.
10th "	Dai-sakwan	Dai-sakwan
11th "	Gon-daisakwan	Gon-daisakwan
12th "	Shō-sakwan	Shō-sakwan
13th "	Gon-shōsakwan	Gon-shōsakwan
14th "	Shishō	Shishō
15th "	Shusshi	Shusshi

The Gon-sangi is an office which need not necessarily be created.

*H-Z.*, 1871, 375.

3. THE KEN-CHIJĪ'S DESIGNATION IS CHANGED.

(Dec. 13, 1871.)

The Ken-chiji is to be called the Ken-rei.

*H-Z.*, 1871, 377.

4. REDUCTION OF THE NUMBER OF THE KEN.

(January 1, 1872.)

The number<sup>1</sup> of the Ken is reduced from 302 (September 25, 1871) to 72.

*H-Z.*, 1871, 377.

5. A LIST OF THE FU AND KEN AND THE NUMBER OF GUN INTO WHICH EACH WAS DIVIDED.

(January 1, 1872.)

Name.	Province.	Number of Gun.
THE FU:—		
Tōkyō .....	Musashi .....	4
Kyōto .....	Yamashiro and Tamba .....	11
Ōsaka .....	Settsu .....	7

<sup>1</sup> *File p.* 33.

Name.	Province.	Number of Gun.
THE KEN :—		
Hyōgo .....	Settsu .....	5
Iruma .....	Musashi .....	13
Niibari .....	Hitachi and Shimōsa .....	9
Utsunomiya .....	Shimodzuoke .....	4
Watarai .....	Shima, Ise and Kii .....	8
Shidzuoka .....	Suruga .....	7
Gifu .....	Mino .....	21
Fukushima .....	Iwashiro and Iwaki .....	6
Morioka .....	Rikuchū .....	6
Sakata .....	Uzen and Ugo .....	2
Kanazawa .....	Kaga .....	4
Aikawa .....	Sado .....	3
Hamada .....	Iwami .....	6
Fukatsu .....	Bitchū and Bingo .....	17
Myōdō .....	Awa and Awaji .....	12
Kōchi .....	Tosa .....	7
Miuma .....	Chikugo .....	10
Ōita .....	Bungo .....	8
Kumamoto .....	Higo .....	9
Miyakonojō .....	Hyūga and Osumi .....	9
Nagasaki .....	Hizen and Iki .....	5
Ashigara .....	Sagami and Idzu .....	10
Haraki .....	Hitachi .....	5
Nara .....	Yamato .....	15
Nagoya .....	Owari .....	7
Yamanashi .....	Kai .....	4
Chikuma .....	Shinano and Hida .....	7
Taira .....	Iwaki .....	10
Aomori .....	Mutsu and Matsumaye .....	4
Akita .....	Rikuchū and Ugo .....	8
Nanao .....	Noto and Etchu .....	5
Toyooka .....	Tamba, Tajima and Tango ...	16
Shikawa .....	Harima .....	16



Name.	Province.	Number of Gun.
Hiroshima .....	Aki and Bingo .....	16
Kagawa .....	Sanuki .....	11
Fukuoka .....	Chikuzen .....	15
Kokura .....	Buzen .....	8
Imari .....	Hizen and Tsushima .....	11
Yashiro .....	Higo .....	6
Mimitsu .....	Hyūga .....	5
Niigata .....	Echigo .....	2
Kisaradzu .....	Awa and Kadzusa .....	13
Gunba .....	Kōdzuke .....	11
Sakai .....	Kawachi and Idzumi .....	20
Nukada .....	Mikawa and Owari .....	9
Ōtsu .....	Ōmi .....	6
Nagano .....	Shinano .....	6
Wakamatsu .....	Iwashiro .....	4
Yamagata .....	Uzen .....	3
Tsuruga .....	Wakasa and Echizen .....	6
Shinkawa .....	Etchu .....	3
Tottori .....	Inaba, Hoki and Ōki .....	18
Hōjō .....	Mimasaka .....	12
Yamaguchi .....	Nagato and Suwō .....	12
Matsuyama .....	Iyo .....	10
Kanagawa .....	Musashi and Sagami .....	7
Saitama .....	Musashi .....	3
Imba .....	Shimōsa .....	9
Tochigi .....	Kōdzuke and Shimodzuke .....	8
Anotsu .....	Iga and Ise .....	12
Hamamatsu .....	Totomi .....	12
Nagahama .....	Ōmi .....	6
Sendai .....	Iwaki and Rikuzen .....	13
Ichinoseki .....	Rikuzen and Rikuchū .....	8
Oitama .....	Uzen .....	1
Fukui .....	Echizen .....	5
Kashiwazaki .....	Echigo .....	5

Name.	Province.	Number of Gun.
Shimane .....	Idzumo .....	10
Okayama .....	Bizen .....	8
Wakayama .....	Kii .....	7
Uwajima .....	Iyo .....	4

*M-S-V*, V, 93-102.

#### 6. RANKS OF THE FU AND KEN OFFICIALS (FU-KEN-KWANTO).

(January 6, 1872.)

The Officials of the 3rd class, the Fu-chiji, are to be of *chokumin* rank; the Officials of the 4th, 5th, 6th and 7th classes are to be of *sonin* rank; all the other officials from the 8th to the 15th classes are to be of *hannin* rank.

*H-Z*, 1871, 419.

#### 7. REGULATIONS FOR THE KEN GOVERNMENT (KEN-CHI-JŌREI).

(January 6, 1872.)

1. Chiji. Where there is a Chiji, no Gon-chiji is to be appointed.

2. Sangi. There is to be but a single Sangi.

3. Gon-sangi. There is to be but a single Gon-sangi. He is to be appointed only in cases of necessity. The duty of the Sangi is to assist the Chiji, and to act for the Chiji during his absence, or if the office is vacant.

4. Tenji. The Tenji superintends the business of all the bureaux, of which the following is a list:—the Shomu-kwa (Bureau of General Affairs); Chō-shō-kwa (Bureau of Litigation); Sozei-kwa (Bureau of Taxes); Sui-tō-kwa (Bureau of Finance).

5. Gon-tenji. In the absence of or during a vacancy the Gon-tenji acts for the Tenji. The other officers of the local administration are directed and controlled by the Tenji or the Gon-tenji.

*H-Z.*, 1871, 420.

#### 8. THE ORDER OF THE FU AND KEN (FU-KEN-RETSUJUN).

(January 31, 1872.)

The Fu ; Tōkyō, Kyōto, Ōsaka.

The Ken ; Kanagawa, Hyōgo, Nagasaki, Niigata, Saitama, Iruma, Ashigara, Kisaradzu, Imba, Niibari, Haraki, Gumba, Tochigi, Utsunomiya, Nara, Sakai, Anotsu, Watarai, Nagoya, Nukada, Hamamatsu, Shidzuoka, Yamanashi, Ōtsu, Nagahama, Gifu, Chikuma, Nagano, Sendai, Fukushima, Iwasaki, Wakamatsu, Ichinoseki, Morioka, Aomori, Yamagata, Oitama, Sakata, Akita, Tsuruga, Fukui, Kanazawa, Nanao, Shinkawa, Kashiwazaki, Aikawa, Toyooka, Tottori, Shimane, Hamada, Shikama, Hōjō, Okayama, Kukatsu, Hiroshima, Yamaguchi, Wakayama, Myōdō, Kagawa, Matsuyama, Uwajima, Kōchi, Fukuoka, Miura, Kokura, Ōita, Imari, Kumamoto, Yashiro, Miyakonojō, Mimitsu, Kagoshima.

*H-Z.*, 1871, 451.

#### 9. THE OFFICES OF THE KOCHŌ AND THE FUKU-KOCHŌ ARE CREATED.

(May 15, 1872.)

The Offices of the Shōya, Nanushi, Toshiyori, etc. (local officials of the old order) are all abolished. The offices of the Kochō (Chief Magistrate or Headman of a town or village) and the Fuku-kochō (Deputy Magistrate or Headman) are created.

*H-Z.*, 1872, 88.



10. THE TŌKYŌ METROPOLITAN POLICE OFFICE (KEISHI-CHŌ).<sup>1</sup>

(January 15, 1874.)

The Keishi-chō is established in Tōkyō.

*H-Z.*, 1874, 19.

11. CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE TŌKYŌ METROPOLITAN POLICE OFFICE.

(Feb. 7, 1874.)

## CONSTITUTION.

I. Chō (Chief). The Chō presides over the general police-affairs of the city of Tōkyō, and controls the Dai-keishi and other subordinate officials. He promotes and degrades officials of the *hanjin* rank and below on the recommendation of the Dai-keishi and the Shō-keishi. He may receive instructions from the Sei-in with reference to national police-affairs.

II. Dai-keishi and Gon-daikeishi. These officials control and direct the Shō-keishi and other subordinates; they assist the Chō and represent him in his absence; they participate in the consultations upon the affairs of the office.

III. Shō-keishi and Gon-shō-keishi. These officials take charge of police affairs in accordance with the orders of the Dai-keishi. They preside over the branch offices in the large wards.

IV. Other and subordinate officials are the Dai-keibu and the Gon-daikeibu, Chū-keibu and the Gon-chūkeibu, the Shō-

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1. This office was abolished in January 1877, and its functions were absorbed by the Department of Home Affairs. To perform those functions the office of the Chief Police Inspector (Daikeshi) was erected in the Department. However in January 1881 the Metropolitan Police Office was reconstituted in Tōkyō and has continued to exist till the present. See below Document No. 50.

keibu and the Gon-shōkeibu, and the Junsu of the 1st, 2nd, 3rd and 4th classes.

#### RULES FOR THE CONDUCT OF BUSINESS.

I. The cardinal purpose of the Metropolitan Police is to prevent evils and secure the public peace (administrative police, gyo sei-keisatsu).

II. The functions of the office are classified under four heads, viz., rights, health, conduct, and political affairs.

The police must protect the rights of the people, and safeguard their property.

The police must take measures to prevent the spread of disease, and protect the lives of the people.

The police must suppress immoral conduct, and purify popular habits.

The police must search out and punish those guilty of political offences.

III. The jurisdiction of the Office is confined within the limits of Tōkyō-fu.

IV. If the administrative police does not prevent the commission of offences, and some person violates the law, that offender must be sought out and arrested (judicial police, shiho-keisatsu). The officials of the administrative police may act in such arrests, in accordance with the regulations governing public procurators (kenji) and the judicial police.

*H-Z., 1874, 389 et seq.*

#### 12. REVISION OF THE PREFECTURAL GOVERNMENT REGULATIONS.

(April 8, 1875.)

The Bureau of Education (Gwakumu-kwa) is newly created, and the provisions concerning education and educational institutions are added to the Prefectural Government Regulations (Kenchi-Jōrei).

*H-Z., 1875, 583.*

13. REGULATIONS CONCERNING TEMPORARY RELIEF IN THE  
PERFECTURES (Kyūmin-Ichijikyūjo-kisoku).

(July 12, 1875.)

I. To those who have lost their property in consequence of natural calamity, and are unable to feed themselves, 3 *go* of rice, 6 *go* of wheat, or 9 *go* of other grain for one male per diem, and 2 *go* of rice, 4 *go* of wheat, or 6 *go* of other grain for one female per diem are to be given for fifteen days. Those who are of good parentage are to be excluded from the benefits herein provided.

Adult males over seventy years of age and boys under fifteen are to be treated as in the case of women.

II. To those who have lost their houses five *yen* in cash is to be given for each house so destroyed upon the condition that it be paid back within a term of five years in annual instalments.

To those who have suffered in a lesser degree, three *yen* in cash is to be lent under the same conditions as in the previous case. Exceptions are made, however, in the cases of those who live in rented houses or those who occupy houses jointly with other people.

III. To those who find it difficult to obtain agricultural tools, money is to be lent to the amount necessary for purchasing them, but not exceeding ten *yen* for each house.

IV. In case of an epidemic, the provisions of Article I. are to be applied for the benefit of those who cannot feed themselves, but the circumstances must be communicated to the Department of Home Affairs.

V. In case several villages or towns have simultaneously suffered from great calamity, food shall be supplied, and, if necessary, huts shall be built to provide temporary shelter.

VI. Provisions, seeds, and unhulled rice are to be supplied in case of natural calamity.

VII. Money is to be lent for the purpose of purchasing



horses or oxen to replace those destroyed by great natural calamities.

In the cases contemplated in Articles VI and VII, the circumstances must be communicated to the Home Office and advice received therefrom before and disposition of the cases can be effected.

*H-Z.*, 1875, 659.

#### 14. THE FUNCTIONS OF THE KEIBU (POLICE SERGEANTS) AND THE JUNSA (POLICEMEN).

(Oct. 24, 1874.)

The Keibu take charge of police affairs in the Ken, exclusive of Tōkyō-fu, under the supervision of the Chiji, and control the Junsu.

Those who have been called Rasotsu are to be called Junsu.

*H-Z.*, 1875, 752.

#### 15. REVISION OF THE PREFECTURAL GOVERNMENT REGULATIONS.

(Nov. 30, 1875.)

The Kenchi-jōrei is abolished and the Fuku-shokusei and the Fuku-jimushōtei are notified in lieu thereof.

CONSTITUTION (Fuku-Shokusei).

I. The Chiji. Where there is a Chiji there is no Gon-chiji.

II. Gon-Chiji.

III. Kami. Where there is a Kami there need be no Gon-Kami.

IV. Gon-Kami.

These officials execute all laws and ordinances, maintain peace and protect the people, impose taxes, encourage trade, education, etc., etc. They are charged with the supervision of markets and open ports, if any such exist in the bounds of their jurisdiction, and they are held responsible for the management of these affairs.

They are to report concerning the behavior of officials of *sonin* rank; and it is in their discretion to inquire into the deportment and efficiency of officials of *hannin* rank, and to appoint or remove them. In case of necessity they may ask for the assistance of a *chindai* (garrison).

#### V. The Sanji

#### VI. The Gon-sanji

In the Fu there may be both these officials, but in the Ken there is to be no Gon-sanji if there is a Sanji. These officials assist the Chiji and Kami in the management of affairs, and represent them in their absence.

The other subordinate officials are under the supervision and control of the Chiji or Kami. The functions of the Sakwan and the Shishō are divided into six bureaux (*kwa*), viz., General Affairs (*Shomu-kwa*), Trade (*Kwangyō-kwa*), Taxes (*Sojōi kwa*), Public Safety (*Keiho-kwa*), Education (*Gwakumu-kwa*), and Finance (*Suitō kwa*).

#### RULES FOR THE CONDUCT OF BUSINESS (Fu-Ken-Jimushōtei).

According to the new Business Regulations (Fu-Ken-Jimushōtei), the prefectural authorities have the following powers and functions:—

To grant prizes other than those provided for regularly by law.

To grant relief other than that provided for regularly by law.

To establish or abolish government branch-offices.

To establish or abolish shrines or temples.

To employ foreigners other than those employed as teachers.

To permit the establishment or cause the suspension or abolition of banks or other corporations.

To manage the affairs concerning the bestowal or deprivation of allowances or prizes.

To grant mining rights.

To grant copy-rights.

To grant patent-rights to inventors.

To establish public schools.

To defray extraordinary expenditures, and expenditures in excess of the sums fixed in the budget.

To contrive and execute plans for the safekeeping of government funds.

To erect or improve Imperial sepulchres, shrines, government offices, official residences, and jails.

To change the terms of redemption of debts or to cancel them.

To dispose of grains, etc. received.

To receive cash or grains other than those regularly provided for by law.

To take such action as is necessary to restore taxes, miscellaneous government-funds, and certificates, etc. when they are lost or injured in consequence of robbery, fire, storm, flood, or other unavoidable causes.

To determine the sums to be collected upon lands and title-deeds.

To lessen the taxes upon lands that have decayed or suffered damage, and to exempt from taxes lands which cannot be used.

To impose, abolish, or change the rates of local taxes.

To subdivide or unite districts (cho) or villages (mura), or change their names or boundaries.

To grant certain tracts of land for the use of government offices.

To determine the location of parks and cemeteries, and to



investigate celebrated places and buildings of historical importance.

To create ports, to change the courses of rivers, and erect embankments, roads, and bridges.

To reclaim public forests, to dispose of public lands and buildings as well as the trees and stones found therein.

To superintend the reclamation of private forests so as to regulate the sources of streams and prevent the outflow of earth and sand.

To establish regulations for the local police.  
(The exercise of these and a few other powers requires the approval of the Department concerned.)

To take a census.

To make a record relating to the government and its results.

To allow shizoku to be classed among the commoners.

To inquire into the expenditures of towns.

To grant prizes and relief according to the regulations.

To grant rights for the manufacture and sale of commodities in accordance with regulations.

To use the school-funds in accordance with the regulations.

To accept contributions for schools, hospitals, etc., and expend them.

To defray expenses the amounts of which are determined beforehand.

To grant capitalised pensions within the regulations.

To dispose of miscellaneous articles which are not being used.

To repair government offices, official residences, jails, etc.

To collect taxes upon land, title-deeds, etc. to the amount determined beforehand.

To reduce the taxes upon land, or exempt from all taxes for a time as fixed by the regulations.

To inquire into and determine the price of land, and register title-deeds upon the sale or transfer of land.

To prolong the period for the payment of taxes, within a

period of two months, in the cases of those who have lost their dwellings by fire or flood.

To dispose of fields or moors by calling for tenders in accordance with the provisions of the regulations.

To lend public lands and embankments according to the provisions of the regulations, and upon condition that they must be returned at the request of the government authorities.

To dispose of lands reclaimed from the sea, according to the provisions of the regulations.

To accept contributions of land when it is convenient to do so.

To determine the ownership of the contributed lands according to the proper regulations.

To dispose of the lands occupied by Shintō and Buddhist priests (excepting the grounds of temples or shrines), in accordance with the regulations.

To offer certain pieces of land as sites for public, middle or primary schools.

To repair embankments, roads, and bridges to the extent of the funds provided for that purpose.

To grant permission for the dredging of rivers, the repairing of ports and harbours, and the construction of hospitals and work-houses, etc. at private expense.

To sanction the establishment of transportation agencies for the convenience of the public.

To permit the construction or modification of roads and bridges of the third class, at private expense.

To sanction the imposition of tolls upon roads and bridges, etc., in order to meet the expenses of construction.

To dispose of fallen or dead trees upon the public land in accordance with the proper regulations.

To dispose of public buildings which are no longer used in accordance with the proper regulations.

To lend public buildings and warehouses in accordance with the proper regulations.

To dispose of animals, plants, earth and stones belonging to the public lands in accordance with the proper regulations.

To construct avenues.

To hire foreigners as teachers.

(The exercise of these powers and a few others does not require the approval of the Department concerned, but it is necessary to report the case after it has been disposed of.)

*H-Z., 1875, 769-777.*

#### 16. RULES FOR DISCIPLINARY PUNISHMENT OF OFFICIALS.

(Imp. Dec. No. 34, April 14, 1876.)

I. For the future all offences committed by officials in respect to their duties—the same not being private offences—shall be punished by the Chiefs of the Departments to which such officials belong.

II. The penalties shall be three in number, viz., reprimand, confiscation of pay, and dismissal from office.

III. Reprimand is the mildest form of punishment, a lecture of censure being given by the Chief of the Department.

IV. Confiscation of pay consists of deprivation of salary for a period of not less than half a month and not more than three months.

In carrying this out there shall be confiscated every month half of the salary for that month, and when the total sum has been thus collected it shall be sent in to the Bureau of Finance.

V. As regards a person to be punished with dismissal, in the case of officials of *sonin* rank there shall be sent in to the Government, upon the desire of the Chief of the Department, a written statement of the circumstances, after which the said official shall be dismissed, and his certificate of rank restored to the Government.

Note. In the case of an official to be dismissed, but not



by way of punishment, the Chief of the Department shall explain the matter and cause such an official to send in his resignation and thereafter he shall be dismissed.

VI. The Chiefs of the several Departments shall inflict penalties upon their subordinates both of *sonin* and *hannin* ranks, at their own discretion.

VII. Officials of *sonin* rank in the Fu and Ken shall be punished by the Prime Minister, and *hannin* officials of the Fu or Ken or of the Police Department by their Chiefs.

VIII. Judges (Hanji) of the fourth class and below shall be punished by the Chief of the Department of Justice. Those officials of the Fu and Ken who hold the additional office of Hanji shall punish their subordinate officials of *hannin* rank, only after having consulted with some other official of the Fu or Ken, who is of *sonin* or higher rank.

IX. When the Governor of a Fu or Ken or the Chief of the Police Office shall punish a subordinate official of *hannin* rank other than by reprimand, he shall take such steps as he deems fit for enforcing either confiscation of pay or dismissal from office, and shall at once report the same to the Minister of the Department of Justice. When Fu or Ken officials who hold the additional office of Hanji punish their subordinates of *hannin* rank by confiscation of pay or dismissal from office, they may take such steps as they think fit, and shall at once report the same to the Minister of the Department of Justice.

X. Those officials who may be guilty of intentional private offences shall, even though they may have committed those offences in their public capacity, be handed over to the judicial authorities and their Chief shall not have any power to deal with them.

17. INSTRUCTIONS TO BE OBSERVED IN INFLECTING DISCIPLINARY PUNISHMENTS.<sup>1</sup>

(Imp. Dec. No. 35, Apl. 14, 1876.)

I. The several Chiefs of Departments shall always superintend their subordinates, and in case any faults are committed by the latter, shall deal with them according to the rules relating to disciplinary punishments.

II. By "faults" are meant those results caused by errors, inadvertence, or negligence. The results of dilatoriness are also to be considered "faults." Those persons who by not regulating their behaviour bring discredit upon the service shall also be considered as guilty of a "fault" and shall be liable to punishment.

III. Those faults which occasion evil results shall be considered grave faults, but those which occasion evil results which can be rectified, or those which do not cause evil results shall be considered as being lighter.

It is, however, left to the discretion of the Chief to determine the lightness or gravity of the fault according to the circumstances of the case.

IV. In cases where several officials of a Department unite in the commission of a fault, the responsibility for the same shall rest upon their immediate superior—in a Department with the Chief, in an Office with the Head thereof, in a bureau (police) with the Superintendent of the same, and in all minor offices with the officials charged with their supervision. The official next to the Chief and those coming after him shall be dealt with proportionately. In the cases of subordinate officials who have received the consent of their superiors to carry out some matter in accordance with their own ideas, the responsibility shall rest both with the superiors and the subordinates alike. In the cases of subordinate officials who commit faults while in the execution of matters within their duty or powers and act

1. This document and the preceding one relate to both the central and local government services.

according to their own ideas, their superiors are not responsible. But those subordinates who exceed their duty or powers and act according to their own ideas, shall be deemed to be guilty in a graver degree.

V. In cases of subordinate officials themselves detecting their own errors and sending in inquiries as to whether they shall or shall not tender their resignations in consequence, their Chief shall institute inquiries into the matter, and shall deal in accordance with the rules with those who are merely unintentional offenders; but those who are intentional and wilful offenders, who ought to be delivered up to the judicial authorities, shall be handed over to the latter by the Chief, either to the Minister of the Department of Justice, or else to the Kenji, or in places where no Kenji is stationed to the Hanji. Should the judicial authorities ascertain clearly that the offence was not intentionally committed, or that the offender is not liable to be punished under the Criminal Code, the offender shall be returned to the Chief of the Department, who shall then deal with him according to the rules.

VI. It is not permitted to re-employ persons who have been dismissed as a punishment, unless after the expiration of a period of two years or more.

VII. Whenever it is desired to employ at some other government Department anyone who has been previously dismissed from office—whether as a punishment or otherwise—reference must be made in each case to his former Chief, and inquiry made as to his opinion of the person to be employed.

VIII. In the case of an official being dismissed, but not as a punishment, his Chief shall explain the matter and cause him to send in his resignation. Those who do not accept these directions and refuse to send in their resignations, shall be dismissed at once.

IX. In the cases of those persons who, during their tenure of some former office, have committed faults which come to light after they have been appointed to some other office, or of



those who themselves confess their errors, reference shall be made to the Chief of the Department to which they formerly belonged and punishment shall then be inflicted by their new Chief.

*J. IV. M.*, 1876, p. 397.

# 18. TERMS OF SERVICE OF PREFECTURAL OFFICIALS (KENKWAN-NINKI-REI).

(Imp. Notif. No. 75, July 27, 1876.)

I. The term of office of the Prefect (Kenrei) is fixed at twelve years. Every third year he must submit to an inspection with regard to the efficiency of his administration.

II. He must serve a term of three years as Assistant-Prefect, and if he demonstrates his efficiency in that term, he may be raised to the rank of Prefect. Fifty *yen* shall be added to his monthly salary, if he proves efficient for the next three years; the same shall be done again, and he shall be raised to *chokunin* rank if he proves the same during the next three years. He may continue in office after the expiration of his term.

III. The Prefect shall fix his original domicile in the prefecture in which he holds office.

IV. A pension<sup>1</sup> equal to ten times as much as his monthly salary shall be granted him upon his retirement after twelve years' service. The ordinary regulations for money grants shall apply to Prefects who have held other offices before their service as Prefect began, in respect of those former offices. The same applies to those who remain in office after the expiration of their term of office, and in addition they shall be

1. The word "pension" is obviously incorrectly used here, for the sum mentioned was not granted annually. According to this provision a Prefect upon retiring after twelve years' service received a gratuity of *yen* 2,500. See the list of salaries given in the next document.

entitled to receive a grant equal to half a month's salary per annum during their further service.

V. The Sanji has no fixed term of office; as in the case of the Prefect, he becomes a Sanji only after he has discharged efficiently the duties of his office as Gon-Sanji during a period of three years.

VI. Every third year he must submit to an inspection with regard to the efficiency of his administration. If he has been exceedingly diligent a reward equal to one month's salary shall be granted him.

VII. Every third year the Sakwan shall submit to an inspection with regard to the efficiency of his administration. If he proves to have been exceedingly diligent a reward equal to one third of a month's salary shall be granted him.

VIII. Anyone who is to be promoted to *sonin* rank, or whose salary is to be increased must come up to the capital and have his elevation proclaimed according to proper rites. It is not permissible that he should be so elevated in the place where he is to serve.

*H-Z.*, 1876, 322.

#### 19. CLASSES AND SALARIES OF PREFECTURAL OFFICIALS.

(Jan. 16, 1877).

Class.	Monthly Salary.	Name of Office.
4th ... ..	<i>Yen</i> 250 ... ..	Fu-chiji and Kenrei.
5th ... ..	" 200 ... ..	Gon-chiji and Gon-rei.
6th ... ..	" 100 ... ..	Daishokikwan.
7th ... ..	" 80 ... ..	Shō-shokikwan.
8th ... ..	" 60 ... ..	Ittō-zoku.
9th ... ..	" 50 ... ..	Nitō-zoku.
10th ... ..	" 45 ... ..	Santō-zoku.
11th ... ..	" 40 ... ..	Shitō-zoku.

Class.	Monthly Salary.				Name of Office.			
12th ... ..	"	35 ... ..	...	...	Gotō-zoku.			
13th ... ..	"	30 ... ..	...	...	Rokutō-zoku.			
14th ... ..	"	25 ... ..	...	...	Shichitō-zoku.			
15th ... ..	"	20 ... ..	...	...	Hachitō-zoku.			
16th ... ..	"	15 ... ..	...	...	Kutō-zoku.			
17th ... ..	"	12 ... ..	...	...	Jittō zoku.			

*H-Z.*, 1877, p. 139.

## 20. THE CHIEF POLICE INSPECTOR (Daikeshi).<sup>1</sup>

(Imp. Notif. No. 7, Jan. 16, 1877.)

The Chief Police Inspector (Daikeshi) of the Home Office shall take charge of the Police Affairs of Tōkyō-Fu.

*H-Z.*, 1877, 141.

## 21. FINES (Bakkin).

(Imp. Dec. No. 13, Jan. 29, 1877.)

Anyone who violates the regulations issued by the Fu or Ken authorities is liable to a fine not exceeding *Yen* 1.50.

*H-Z.*, 1877, 12.

## 22. REGULATIONS FOR THE ORGANISATION OF GUN, KU<sup>2</sup>, CHO, AND SON. (Imp. Dec. No. 17, July 22, 1878.)

1. Fu and Ken shall be subdivided into Gun (Rural Divisions), Ku (Cities), Cho (Towns), and Son (Villages).

1. *Supra* p. 256, foot note.

2. "Ku," in the modern use of the term, designates a ward of a city, but in 1878 it was used both in its modern connotation and as meaning also a city except in the cases of the Fu, where it evidently referred to merely a ward.



II. The extent and names of Gun, Cho, and Son shall remain as before.

III. If a Gun is too extensive and consequently inconvenient for administration it shall be divided into several Gun.

IV. The three Fu (Tōyō, Kyōto and Ōsaka) and the five open ports (Yokohama, Kobe, Nagasaki, Niigata and Hakodate), and other densely populated centres shall be known as Ku, and in case of their size being inconveniently large each of them shall be subdivided into several Ku.

V. The Chief Official of the Gun shall be the Gun-chō, and of the Ku the Ku-chō. A number of small sized Gun may be presided over by a single Gun-chō.

VI. The Chief Official of the Cho or Son shall be the Ko-chō. A number of Cho or Son may be presided over by a single Ko-chō.

(The succeeding articles were appended by Imp. Dec. No. 14, 1880.)

VII. In islands where it is impossible to carry out the regulations here prescribed, some other system of administration may be adopted.

VIII. The boundaries and names of the existing Ku, Gun, Cho, and Son may be changed to suit the convenience of the locality, and upon the petition of the people.

IX. In the cases of the changes contemplated in Articles III, IV, VII, and VIII, the Fu-chiji or Ken-rei shall refer the matter to the Home office (Naimushō) and ask for the Government's approval. In the case of changes contemplated in the boundaries or names of the Cho or Son the consent of the Home Minister only is necessary.

*H-Z.*, 1878, 11.

## 23. REGULATIONS CONCERNING THE PREFECTURAL ASSEMBLY.

(Imp. Dec. No. 18, July 22, 1878.)

## CHAPTER I. GENERAL PROVISIONS.

I. The Prefectural Assembly (Fu-Ken-Kwai) shall consult upon the budget of the expenditures which are to be defrayed out of the local taxes, and upon the means of raising the local taxes.

II. The meetings of the Prefectural Assembly are of two kinds; ordinary, which meet at stated times, and extraordinary, which are called together upon special occasions.

III. Whether at ordinary or extraordinary meetings all bills must be initiated by the Governor (Fu-chiji or Ken-rei).

IV. The extraordinary meetings of the Assembly shall not proceed to any business other than that for the consideration of which the meetings have been called together.

V. All matters which involve the expenditure of local funds shall be brought into the Prefectural Assembly for consideration, the resolutions of the Assembly can only be carried out after they have been approved by the Governor. If the Governor thinks it wise to veto such resolutions, he must have his veto confirmed by the Home Minister.

VI. At the opening of the ordinary meeting of the Assembly in each year a report of the local tax revenues and expenditures shall be made.

VII. At an ordinary meeting a member or several members, who intend to make a representation to the Government as to affairs which affect the prefecture, must first obtain the consent of the Chairman, and then the motion may be brought into the Assembly. When the motion has been seconded and supported by an absolute majority of the members, it shall be presented to the Home Minister through the Chairman.

VIII. The Prefectural Assembly shall consult upon matters relating to the prefecture on the request of the Governor.

IX. The Prefectural Assembly shall form its own rules of procedure, subject to the approval of the Governor.

## CHAPTER II. ELECTIONS.

X. Every Gun (Division) or Ku (City or ward) shall elect five members or less according to its population.

XI. The Chairman and Vice-Chairman shall be elected from among the members of the Assembly, but the Governor must approve of their election and report the same to the Home Minister.

XII. The Chairman shall appoint a Clerk, who shall attend to miscellaneous affairs. His salary shall be paid out of the funds of the Assembly.

XIII. Male inhabitants, except as hereinafter stated, who are full twenty-five years of age, who have their original domiciles and have lived more than three years in the prefecture, and who have been paying during those years land-tax to the amount of ten *yen* or more, shall be eligible for election to the Assembly. Persons falling under the following categories are not eligible:—

1. Lunatics and idiots.
2. Persons who have been sentenced to imprisonment at hard labor for a year or for a longer term.
3. Persons who have been declared bankrupt and have not yet discharged their liabilities.
4. Officials and teachers.

XIV. Male inhabitants, except as hereinafter stated, who are full twenty-five years of age, who have their domiciles in the Gun or Ku concerned, and have been paying land-tax to the amount of five *yen* or more shall constitute the electorate.

Persons falling under categories 1, 2, 3, of the preceding Article are not qualified to vote.

XV. In order to hold an election, the Governor shall proclaim that the election meeting shall be opened in a certain month, then the Gun-chō and Ku-chō in every Gun and Ku



shall determine the date of the election and shall notify the people at least fifteen days beforehand.

XVI. Voting shall take place at the Gun or Ku Office on the appointed date. The Gun-chō or Ku-chō shall preside over the election.

The voting may take place at other places than the Gun or Ku Office.

XVII. The method of casting the ballot is as follows:—the elector having received a balloting paper from the Chō of the Gun or Ku, shall write upon it his own name and age and those of the candidates for whom he wishes to vote. A plurality is sufficient to elect. In case of a tie, the older candidate shall be declared elected, and if two candidates are of the same age one shall be chosen by lot.

Voting by proxy is permitted.

XVIII. When the poll is closed the Chō shall examine into the legality of the ballots by reference to the voter's list, and into the eligibility of the persons elected by consulting the list of eligible persons.

In the case of an illegal election, or of the non-acceptance of office by an elected person, the candidate with the next greatest number of votes shall be declared to have been elected.

XIX. When the examination into the eligibility of the elected persons has been completed the Chō of the Gun or Ku shall summon the candidates elect to attend at the Gun or Ku Office, and hand to them their certificates of election, and receive receipts therefor from them.

Thereafter the Chō of the Gun or Ku shall publish the names of the successful candidates.

XX. If one and the same person has been elected by more than one Gun or Ku, he shall choose freely for which Gun or Ku he shall sit.

XXI. The term of office shall be four years, one half of the members retiring every two years. Those who shall retire in the second year of the first Assembly shall be chosen by lot.

XXII. The Chairman and Vice-Chairman shall be elected for terms of two years at every renewal of the members of the Assembly.

XXIII. In the case of the two preceding Articles, retiring members of the Assembly and the retiring Chairman and Vice-Chairman shall be eligible for re-election.

XXIV. A by-election may be held when any member of the Assembly has been disqualified by coming under any of the categories mentioned in Article XIII, or by removing his domicile, or when a vacancy has been caused by the death of a member.

Anyone who refuses to attend the meeting of the Assembly shall be struck off the list of members, and a by-election shall be held to fill his place.

### CHAPTER III. DEBATES.

XXV. No debate can be begun until one half of all the members are present.

XXVI. A decision shall be arrived at by an absolute majority of the members present, and in case of a tie the Chairman shall cast the deciding vote.

XXVII. The Governor or his Deputy shall be allowed to attend the sessions of the Assembly for the purpose of explaining the objects of a bill, but he shall not have any vote in the decision of the question.

XXVIII. The public shall be admitted to the meetings of the Assembly. A session may be held behind closed doors by the request of the Governor or at the order of the Chairman.

XXIX. The members of the Assembly shall be allowed to debate a question as long as they desire. No criticism of the personal character of a member shall be permitted.

XXX. To maintain order during the sessions of the Assembly is one of the duties of the Chairman.

If any member infringes the rules of order, the Chairman shall request him to desist; if the member refuses to obey the

order of the Chairman he shall be ejected; if a member resorts to violent conduct he shall be handed over to the police.

#### CHAPTER IV. OPENING AND CLOSING.

XXXI. The Prefectural Assembly shall be opened in March every year. The session shall last not longer than thirty days, and shall be opened and closed by the Governor. The Governor may prolong the session if he is so requested by the Assembly, but in that event the Governor shall immediately inform the Home Minister of the fact and give reasons for his action.

XXXII. The Governor may summon an extraordinary meeting of the Assembly if the circumstances call for it. But in such a case he shall at once inform the Home Minister of his action, and give reasons therefor.

XXXIII. If the debate is such as to disturb the peace of the country, or is contrary to laws and regulations, the Governor shall suspend the meeting, and ask for instructions from the Home Minister.

XXXIV. If the debate threatens to disturb the peace of the country the Home Minister may dissolve the Assembly.

XXXV. When the Home Minister has dissolved any Assembly a new election of members shall be held.

*H-Z*, 1878, 12 ff.

#### 24. CONSTITUTION AND POWERS OF THE FU AND KEN GOVERNMENTS.<sup>1</sup>

(Imp. Dec. No. 32, July 25, 1878.)

##### CONSTITUTION.

There shall be a Fu-chiji (Governor) in every Fu, and a Ken-rei (Prefect) in every Ken.

1. The Japanese names used in these documents for local areas and their English equivalents are as follows:—Fu, of which there are three, is translated by "city"; Ken by "province," Ku by "urban division," Gun by "rural division," Cho by "urban district," and Son by "rural district." The officials are respectively the Fu-chiji (Governor), Kenrei (Prefect), Ku-chō (Urban Division Magistrate), Gun chō (Rural Division Magistrate), Cho chō (Urban District Magistrate), Son-chō (Rural District Magistrate).



I. The Governor or Prefect shall exercise full authority over all administrative matters in the district under his jurisdiction, and shall enforce the laws of the Empire and the instructions of the Government throughout the same.

II. The Governor or Prefect shall be under the general control of the Minister for Home Affairs; but in matters relating to the special business of other Departments of State, he shall receive instructions from the Ministers of those Departments.

III. The Governor or Prefect may, if he deems it necessary, institute a special system for the enforcement of the laws and the instructions of the Government, and proclaim the same throughout his City or Prefecture; in cases where he is authorised to use his own discretion as to the method of enforcing such, according to the circumstances, he may frame such regulations as he may think fit, and proclaim the same throughout his City and Prefecture; but in such cases, he shall, immediately after having issued such a proclamation, make a report of the same to the Minister of the Department concerned.

IV. If the proclamation so issued or the steps so taken by a Governor or Prefect should be deemed to be contrary to the tenor of the laws, or the instructions of the Government, or to be in excess of his power, the First Minister of State or the Minister of the Department concerned may order the same to be cancelled.

V. In dealing with matters requiring previous instruction from the Minister of a Department concerned, the Governor or Prefect shall conform to the regulations in that behalf to be found below.

VI. The Governor or Prefect is empowered to levy the local taxes, and therewith to defray the expenses of his City or Prefecture. Both estimates and definite accounts of these shall be laid before the Ministers of Home Affairs and Finance; and, in places where there is a City or Provincial Assembly, the

estimates and accounts shall be submitted to that body for deliberation.

VII. The Governor or Prefect is empowered to appoint, dismiss, promote or degrade the subordinate officers of his City or Prefecture, and to assign them their duties.

VIII. The Governor or Prefect is empowered to appoint, dismiss, promote or degrade the Magistrates and clerks of Rural Divisions (Gun) and shall have the general direction and supervision of the affairs of such Divisions.

IX. In case of extraordinary occurrences (such as rebellions, riots, etc.) the Governor or Prefect is empowered to take such steps as the circumstances may demand in concert with the Commanding Officer of the nearest garrison (chindai) or branch barracks.

X. The Governor or Prefect is empowered to call meetings of the City or Provincial Assembly or to suspend its deliberations.

XI. The Governor or Prefect shall prepare bills and submit them to the Fu or Ken Assembly, and is empowered to approve or reject the decisions of that body.

#### SECRETARY AND ASSISTANT SECRETARY.

In a City one officer of each of these grades shall be appointed ; in a Prefecture only one of them shall be appointed. However in a Prefecture, where there is an Open Port, and the business to be transacted is considerable, one of each of these officers may, upon an application to that effect being granted, be appointed as in the case of a City.

I. The Secretaries shall assist the Governor or Prefect in the administration of the district.

II. In the absence of the Governor or Prefect or in other like cases a Secretary shall be appointed to act in his behalf.

#### CLERKS (1-10th CLASSES).

They shall take their orders from the Governor or Prefect, and shall severally transact the miscellaneous business of the local government.

## INSPECTORS OF POLICE (1-10TH CLASSES).

They shall take their orders from the Governor or Prefect and conduct all police matters in the City or Prefecture.

## MAGISTRATES OF RURAL DIVISIONS.

Gun-chō (this officer has rank corresponding to that of regular officers of the 8th class). One officer in each Rural Division (Gun).

I. The salary of the Gun-chō shall be fixed according to the circumstances of the district by the Governor or Prefect at a sum not exceeding 80 *yen* per month and shall be paid out of the local taxes.

II. The Gun-chō shall be appointed from among persons borne on the register rolls of the City or Prefecture in which the appointment is held.

III. The Gun-chō shall take his instructions from the Governors or Prefect and shall enforce the laws and instructions of the Government throughout his Division, and generally administer the affairs of the Division.

IV. In matters the management of which has been assigned to him by virtue of laws, instructions, or regulations, or has been specially entrusted to him by the Governor or Prefect, the Gun-chō shall act as he may think fit according to the circumstances, and afterwards make a report to the Governor or Prefect.

V. Should any measure adopted by the Gun-chō be deemed improper, the Governor or Prefect may order its withdrawal.

VI. The Gun-chō shall exercise supervision over the Kochō.

## CLERKS OF RURAL DIVISIONS (GUN).

These officers have rank corresponding to those of regular officers of the 10-17th classes. Their number is indefinite.

The salaries<sup>1</sup> of clerks of Rural Divisions (Gun) shall be fixed according to the circumstances of the locality by the Governor or Prefect at a sum not exceeding 20 *yen* per month and

1. The salary provision was repealed by Notification No. 45, 1878.



shall be paid out of the local taxes. Their appointment, promotion, etc. shall be made by the Governor or Prefect upon the recommendation of the Gun-chō.

Magistrates and Clerks of Urban Divisions (Ku) shall stand in all respects upon the same footing as Magistrates and Clerks of Rural Divisions (Gun).

#### POWERS OF GOVERNORS AND PREFECTS.

In dealing with any of the following matters the Governor or Prefect must obtain the previous sanction of the Department specially concerned in each case:—

I. The appointment of a Gun-chō over a portion of, or over more than one Gun, and the establishment of an Urban Division or Divisions (Ku).<sup>1</sup>

II. The re-establishment of the boundaries of a Rural or Urban Division, and the incorporation into one District of out-lying lands belonging to another.

III. Fixing the amount of the expenditures to be defrayed out of the National Treasury for the service of the year.

IV. The payment or receipt of Government money in cases where no precedents or regulations exist.

V. Framing rules for the custody of Government money, and the system for the transmission of the same by means of Bills of Exchange, and for depositing the same.

VI. The construction of public buildings and prisons.

VII. Granting permission for the deferred payment of taxes by persons who have sustained injury through floods or drought.

VIII. Granting permission to persons who have been rendered homeless by floods or fire to defer the payment of taxes for more than two months after the time at which the same would otherwise be payable.

IX. Changing the class of land.

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1. Repealed by Imp. Notif. No. 38. 1881.

X. Reducing the amount of the land-tax according to change in the value of land.

XI. The appraisment of land, and fixing the amount of the tax accordingly ; provided that the fixing of the amount of the land-tax upon land gone out of cultivation, or upon waste land on the same being reclaimed, and upon newly cultivated land at the expiration of the period (during which it has been free of taxation) will constitute exceptions to this rule.

XII. The execution of public works upon rivers, harbours, roads, embankments, bridges, land-cultivation, etc., which extend beyond the limits of the City or Prefecture, or of which the expenses are to be defrayed from the National Treasury independently of the fixed annual grant.

XIII. Granting permission to defer for more than six months the repayment of money lent by the Government, or absolutely waiving repayment of the same.

XIV. Felling timber in forests belonging to the Government ; provided that this does not include cutting trees or bamboos in Government forests of the third class, to be used for embanking and repairing water-courses and roads.

XV. The sale of Government land or buildings and the timber and stones thereof.

XVI. The purchase of land for official uses.

XVII. The re-settlement of the boundaries of land granted, free of taxation, to Shintō and Buddhist temples.

XVIII. Fixing a standard of value for wines and spirits for the purpose of assessing the amount of taxes to be levied thereon.

XIX. The sale of Government forests.

XX. Prohibiting the felling of timber in forests of both Government and private property.

XXI. Determining the ownership, between Government and private persons, of forests, or of trees or bamboos therein.

XXII. The settlement of the boundaries of mines leased to private persons.

XXIII. Allowing in favor of lessees deferred or diminished payment of, or complete relief from, the rent of mines.

XXIV. The treatment of offenders against the mining laws.

XXV. The exchange of obsolete gold or silver coins, or defaced currency.

XXVI. Matters concerning foreigners travelling in the interior.

XXVII. Matters concerning foreigners living outside the foreign settlements.

XXVIII. Leasing ground in the foreign settlements to foreigners by public auction.

XXIX. Granting permission for marriages between natives and foreigners.

XXX. Paying out the subsidies to schools otherwise than as laid down by the regulations in that behalf.

XXXI. The suppression of private schools.

XXXII. Making contracts with foreigners under his official title of Governor or Prefect.

XXXIII. Contracting, under his official title, loans of money which will have to be repaid out of the treasury.

XXXIV. Granting rewards otherwise than as laid down by the regulations or precedents.

XXXV. Dealing with applications for the establishment, re-establishment, restitution, etc., of Shintō and Buddhist temples, having the effect of increasing the total number.<sup>1</sup>

In matters the conduct of which has been placed absolutely in the hands of Governors or Prefects by virtue of decrees, proclamations, notifications or orders, or in matters governed by regulations or precedents, Governors or Prefects are to act on their own responsibility and should not seek the previous sanction of their superior authorities. Nevertheless, where the regulation or precedent in the case cannot under the circumstances be followed, but special action is necessary, they may

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1. Added by Imperial Notification No. 61, 1880.



apply for such sanction, the grounds for doing so being set forth in the application.

In matters which merely pass through the hands of the Governors or Prefects ministerially under the provisions of any law or regulation, such as applications for licenses for the formation of companies, for licenses to work mines, for copy-right in books, for licenses for the sale of drugs, and the like (these matters not being in the class for which previous sanction is required), Governors or Prefects should merely endorse or affix their seals to the documents relating to such matters for the purpose of certifying the facts therein stated, and forward the same to the Department concerned.

In laws or regulations to be hereafter issued, any matters contained therein for dealing with which previous sanction must be obtained shall be clearly specified.

All matters within the ordinary scope of the duties of Governors or Prefects and not enumerated in the preceding clauses, excepting those of grave importance not governable by regulation or precedent, and excepting any of an extraordinary nature, may be dealt with by the Governors or Prefects according to their own views and afterwards reported to their superior authorities.

#### POWERS OF URBAN AND RURAL DIVISION MAGISTRATES.

The following are the cases in which the Magistrates of the Rural or Urban Divisions may take action according to their own views, afterwards reporting the fact to the Governor or Prefect :—

- I. The collection of taxes, national and local, and the treatment of defaulters.

- II. The examination of persons liable to military service.

- III. Dealing with the property of bankrupts.

- IV. Administering the property of persons who abscond, of deceased persons, or of families whose line has become extinct.

V. The sale of trees on Government property which have fallen down or died.

VI. Cutting down trees which belong to the Government and which obstruct telegraph wires, roads, rice-fields, vegetable gardens, or watercourses.

VII. The examination of foreshores leased to private persons.

VIII. Dealing with applications to shoot, whether as a business or for sport, and for the use of air-guns.

IX. Dealing with applications for licenses to retail revenue stamps and stamped papers.

X. Administering the funds of primary schools, and such other matters as may be specially entrusted to his care by the Governor or Prefect.

#### DUTIES OF THE HEADMEN OF URBAN OR RURAL DISTRICTS.

I. The circulation throughout the district of all decrees and proclamations.

II. The collection of the land and other taxes and forwarding the same to the proper quarter.

III. The management of all matters connected with the census.

IV. The preliminary examination of persons liable to military service.

V. Endorsing and fixing his seal to documents relating to the pawn, mortgage or sale of land, buildings, or ships.

VI. Keeping the official register of titles to land.

VII. Giving information at the police station of cases of lost children, foundlings, sick travellers, deaths through unnatural causes, and other unusual events.

VIII. Reporting to his superiors cases of extreme distress through calamities arising from natural causes or otherwise.

IX. Reporting to his superior authorities conspicuous instances of filial piety, womanly virtue and benevolence.

X. Using his endeavors to promote the regular attendance of children at school.

XI. Keeping correct impressions of the seals used by the inhabitants of his district.

XII. Preserving safely and in good condition all official books and documents.

XIII. The expression of his views as to the advantages or disadvantages of harbours, rivers, roads, embankments, bridges, etc., the expenses of repairing or maintaining which are to be defrayed out of the National Treasury or out of the fund for local expenses of the City or Prefecture.

All business besides the above, which may be assigned to him by the Governor or Prefect or by the Divisional Magistrate, he shall attend to in accordance with the regulations or any special orders.

Moreover, he shall, notwithstanding the above provisions, have control over all such matters as the repairing, cleansing, etc., of roads, bridges, or water courses (drinking and waste) which are confined to his own district and of which the expenses are defrayed by the people of the district.

*J.W.M.*, 1881, pp. 1137-39.

## 25. TERMS OF SERVICE OF PREFECTURAL OFFICIALS.<sup>1</sup>

(Imp. Notif. No. 35, Aug. 3, 1878.)

I. The full official term of office of the Fuchiji or Kenrei shall be twelve years. Every three years an official inspection shall be made of his method of administration, and if found

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1. *Cf.* Document No. 18, p. 268. A further revision was made by Imperial Notification No. 16, Feb. 6, 1884, which provided that the salary of the Governor should begin at 200 *yen* a month, and that every third year it should be increased 50 *yen* a month, till the maximum, 350 a month, should be reached after nine years of service.



competent he shall be confirmed in his office until the next period of inspection.

II. The Fuchiji or Kenrei shall receive a monthly salary of 200 yen for the first three years, which shall be increased by 50 yen per month for each successive term that he is confirmed in his office. After nine years of office he shall be promoted to *chokunin* rank. At the end of twelve years, being the expiration of his official term, he may retain his position if he so desires, but no further increase of salary shall be allowed.

III. If after twelve years of office the Fuchiji or Kenrei wishes to retire, he shall be presented with an honorarium representing ten times the amount of his monthly salary. Shokikuan (secretaries) are not limited as to their term of office, but will be subjected to official examination every three years, when those who prove able and industrious will receive a reward of one month's salary.

IV. The subordinate officers shall undergo inspection every year, when an amount representing one-third of their monthly salary shall be awarded to the deserving.

#### SUPPLEMENTARY PROVISIONS.

In the case of officials now holding the post of Governor or Prefect, the number of years during which they have held office before the issue of these rules shall be reckoned. In other cases, as where a Governor or Prefect has been transferred from one City or Prefecture to another, or where an official now holding the post of Governor or Prefect has held the same post previously, but with an interval between the two terms, in reckoning his years the total number of years in which he has held the post of Governor or Prefect shall be reckoned.

In the case of officials hereafter appointed from any other post to that of Governor or Prefect, their services shall only commence to be reckoned from their appointment as such and shall be regulated according to the provisions hereof.

26. THE KOCHŌ TO BE LOCALLY ELECTED.<sup>1</sup>

(Notif. No. 54, of the Naimushō, Aug. 26, 1878.)

The Kochō is hereafter to be elected by a majority of the people as near as possible in every cho and son, but the appointment must be ratified by the Fuchiji or Kenrei.

*J.W.M.*, 1878, p. 881.

27. AMENDMENT OF THE REGULATIONS<sup>2</sup> FOR PREFECTURAL ASSEMBLIES,

(Imp. Dec. No. 13, Apl. 4, 1879.)

XIII, category 2, is amended as follows:—

"Persons who have been sentenced to imprisonment with hard labor for a term of not less than one year, or to confinement without hard labor for a term of not less than one year, on account of some political offence.

"Seven years after the expiration of the term of imprisonment this disqualification no longer applies."

*H-Z.*, 1879, p. 46.

## 28. THE ABOLITION OF THE RYŪKYŪ HAN.

(Imp. Dec. No. 14, Apl. 4, 1879.)

Ryūkyū Han is abolished, and Okinawa Ken is created in its place. The Prefectural Office is established at Shuri.

*H-Z.*, 1879, 46.

1. This provision for the election of the Kochō marks the beginning of the popular government of the smaller local areas.

2. The original Regulations were promulgated in the preceding year by Imperial Decree No. 18, July 22.

## 29. CREATION OF TOKUSHIMA KEN.

(Imp. Notif. No. 6, March 2, 1880.)

It is hereby notified that the Prefecture of Tokushima has been established with jurisdiction over the whole province of Awa.

*J.W.M.*, 1880, p. 308.

30. AMENDMENT<sup>1</sup> OF THE REGULATIONS FOR PREFECTURAL ASSEMBLIES.

(Imp. Dec. No. 15, Apl. 4, 1880.)

VI. At the opening of the ordinary meeting of the Assembly every year, a financial statement for the previous year shall be made, and the Assembly shall have power to question the Governor about the various items of the statement. In case the Assembly and the Governor fail to agree about any of the items the matter shall be immediately reported to the Home Minister and the Minister of Finance.

IX. The Prefectural Assembly may deliberate upon and determine its own rules of procedure, and with the approval of the Governor put them in force. The Assembly may also inquire into the conduct of those who absent themselves from the meeting of the Assembly without forwarding a notice with proper reasons for so doing, and may declare their seats vacant.

XIII. Category 2. Those who have been sentenced to imprisonment with hard labor for a term of not less than one year, or to confinement without hard labor for a term of not less than one year, on account of some political offence.

Seven years after the expiration of the term of imprisonment this disqualification shall no longer exist.

1. The Regulations referred to were promulgated by Imp. Dec. No. 18, July 22, 1878. See above pp. 272-76.



XIII. Category 5. Persons whose seats in the Assembly have been declared vacant for non-attendance or any other reason, for a period of four years.

XIV. Proviso. Persons who are prescribed in the categories 1, 2, 3, and 4 of the preceding Article shall not have a right to vote at elections for the Assembly.

XXXV. When the Home Minister has ordered the dissolution of an Assembly, a new election shall be held within ninety days of such dissolution.

H-Z., 1880, 61.

### 31. REGULATIONS FOR CITY (FU) AND PROVINCIAL (KEN) GOVERNMENTS.

(Imp. Dec. No. 15, April 8, 1880.)

#### PART I.—GENERAL RULES,

I. The duties of the City and Prefectural Assemblies are to discuss and settle the estimates of expenditure to be defrayed out of the local taxes, and the means of levying the same.

II. The sessions of the City or Provincial Assemblies are either ordinary or extraordinary; those summoned at the prescribed period are ordinary, and those specially summoned are extraordinary sessions.

III. In both ordinary and extraordinary sessions all bills are sent down for consideration by the Governor or Prefect.

IV. At extraordinary sessions discussion shall be confined to the special subject for deliberation upon which the session has been summoned, and no other business may be brought forward.

V. The decisions arrived at by a City or Prefectural Assembly shall be put into operation only after being approved by the Governor or Prefect. If the Governor or Prefect does

not think fit to approve the decision, he shall report the circumstances of the case to the Minister of Home Affairs for instructions.

(In the case contemplated in the preceding clause, the Governor or Prefect may, if he thinks it advisable, submit for reconsideration the bill in respect of which such decision has been arrived at; if after such reconsideration he should still think that such decision ought not to be approved, then he may submit the case to the Minister of Home Affairs for instructions as provided for in the preceding clause.<sup>1</sup>)

VI. There shall be submitted to the City and Provincial Assemblies at the commencement of the annual ordinary session, an account of the sums actually received and expended under the head of local taxes during the previous fiscal year, and the members shall be entitled to require explanations thereupon from the Governor or Prefect; if any item in the accounts is disapproved by the Assembly, the Assembly may in the President's name present a memorial on the subject to both the Ministers of Home Affairs and Finance.

VII. If during an ordinary session two or more members wish to address the Government with regard to any matter concerning the interests of the City or Prefecture, they may by permission of the Assembly, submit the memorial for its consideration, which, if approved, may be forwarded in the President's name to the Minister of Home Affairs as the memorial of the Assembly.

VIII. It is the duty of a City or Provincial Assembly to discuss any matters referred to it for its opinion by the Governor or Prefect with regard to measures proposed to be carried out in the City or Prefecture.

IX. Every City or Provincial Assembly may make by-laws for regulating its own debates, and the same shall be operative after receiving the approval of the Governor or Prefect.

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1. The parenthesis was added by Imp. Dec. No. 4, 1881.

Every City or Prefectural Assembly shall investigate all cases in which members have failed to comply with a summons calling them to attend a sitting without stating the grounds of their absence; and may declare such members to have forfeited their seats.

(Should a Governor or Prefect on the one side and a City or Provincial Assembly on the other differ in their interpretation of the laws, or should disputes arise as to their respective rights, they may submit the case to, and invoke the decision of the Government. In such a case the Governor or the Prefect may suspend either the debate or the sitting of the Assembly in the meantime.<sup>1</sup>)

## PART II.—ELECTIONS.

X. The City or Prefectural Assembly shall consist of persons elected by the various Divisions, both Urban and Rural<sup>2</sup>, in the City or Prefecture, each Division electing five or a less number of members according to its size.

XI. The members shall elect from among themselves a President and a Vice-President; such election shall be reported to the Governor or Prefect who shall in turn report the same to the Minister of Home Affairs.

No salaries shall be paid to the President, Vice-President or members; provided that allowances, for lodging expenses during the session of the Assembly, and travelling expenses to and from to the place of meeting, shall be paid upon a scale to be fixed by the Assembly itself.

XII. Clerks shall be chosen by the President and shall conduct miscellaneous business under his direction. Their salaries shall be included under the head of expenses of the Assembly.

XIII. The only persons qualified for election as members of the City or Prefectural Assemblies are males fully 25 years old borne on the register-rolls of the City or Prefecture, having

1. The parenthesis was added by Imp. Dec. No. 4, 1881.

2. An Urban Division was called Ku, a Rural, Gun.



resided therein for at least three years and paying land-tax to the amount of ten *yen* or upwards per annum in respect of land situated in the City or Prefecture; provided that the following classes of persons shall not be eligible:—

1. Insane persons and idiots.
2. Persons who have undergone the punishment of penal servitude for a period of one year or more, or of imprisonment for the same period, if adjudged for a political offence; provided that, after the lapse of a period of seven years from the termination of such punishment, the same shall no longer affect their eligibility.
3. Persons who have been bankrupt and have not yet discharged their debts.
4. Government officials and priests.
5. Persons previously declared by the Assembly to have forfeited their seats; provided that, after the lapse of four years from the date of such declaration, the same shall no longer affect their eligibility.

XIV. The only persons entitled to vote at the election of members are males of fully 20 years of age borne on the register-rolls of the Division, and paying land-tax to the amount of 5 *yen* or upwards per annum in respect of land situated within the City or Prefecture; provided that, persons coming under the 1st, 2nd, 3rd, and 5th classes enumerated in the preceding Article shall not be entitled to vote.

XV. When an election of members is to be held, a notice shall be issued by the Governor or Prefect appointing the month in which the election shall be held. The Divisional Magistrate shall thereupon appoint a day for the voting in each Division and shall give public notice thereof throughout the Division at least fifteen days previously.

XVI. The election in every Division shall be held at the office of the Divisional Magistrate on the day appointed; the voting papers shall be examined by the Divisional Magistrate who shall also be charged with the preservation of order on the

day of election; provided that, if convenience requires, the election may be held at a place other than the office of the Divisional Magistrate.

XVII. Each voter shall inscribe his own name and address in full, and likewise the name and address of the candidates for whom he votes, upon the ballot previously issued to him by the Divisional Magistrate, and shall present the same to the last named on the day of the election. The candidate receiving the greatest number of votes shall be elected; in case the votes of two or more candidates are equal, the election shall be decided by seniority in age or by lot if their ages are equal. The voting ticket may be presented by proxy.

XVIII. When the election has closed, the Divisional Magistrate shall verify the voting papers by comparing them with the list of voters, and shall also examine whether the candidates elected are qualified according to the list of persons qualified for election. If any candidate prove ineligible under any of the rules restricting the eligibility of candidates, or if the candidate elected declines the seat, the candidate who has received the next highest number of votes shall be declared elected.

XIX. When a decision as to the eligibility of the candidates elected has been arrived at by such an examination as aforesaid, the Divisional Magistrate shall summon the members elected to his office and there hand to them a certificate of membership, the receipt of which they shall acknowledge in writing; provided that, when all members duly elected have so acknowledged their certificates of membership, the Divisional Magistrate shall publicly proclaim their names, etc., throughout the Division.

XX. In case the same person be elected in more than one Division, he may choose which one he will represent.

XXI. Members shall be elected for a term of four years; a fresh election of one half of the total number of members shall be held at intervals of two years; the members to retire at

the end of the first two years of the existence of any Assembly shall be determined by lot.

XXII. The President and Vice-President shall be elected from among the members of the Assembly for a term of two years. Their election shall take place publicly upon the election of the new members every two years.

XXIII. In both of the cases contemplated by the two preceding Articles, the same persons are eligible for re-election.

XXIV. In the event of any member falling into any of the classes of persons enumerated in Article XIII., or going to reside outside of the City or Prefecture to the Assembly of which he belongs, or in the occurrence of a vacancy through any other cause, a new member shall be elected in his stead.

### PART III.—RULES OF DEBATE.

XXV. Unless there is a majority of the total number of members present at a sitting, no business shall be done.

XXVI. All questions in debate shall be decided by a majority of votes. When the numbers are equal, the President shall have the casting vote.

XXVII. The Governor or Prefect may be present at the sittings of the Assembly, either personally or by deputy, for the purpose of stating the grounds of bills; but he shall not be entitled to vote in the decision thereof.

XXVIII. Strangers will be permitted to listen to the debate; provided that they may be excluded either on the demand of the Governor or Prefect or at the discretion of the President.

XXIX. Members shall have the right to give free expression to their views in debate; provided that this freedom shall not be deemed to make it permissible for a member to advert to the character of individuals whether in praise or blame.

XXX. The proceedings of the Assembly shall be conducted under the direction of the President. If any member transgresses the rules and when called upon by the President dis-



regards his authority, the latter may order him to withdraw from the chamber. In the event of any member resorting to actual violence, the President may request the intervention of the police officers.

#### PART IV.—SESSIONS.

XXXI. The ordinary session of a City or Prefectural Assembly shall be opened during the month of March in each year; its commencement and closing shall be directed by the Governor or Prefect; the session shall not ordinarily exceed thirty days in duration, provided that the Governor or Prefect may with the consent of the Assembly prolong the session, but in such circumstances he must at once report the case to the Minister of Home Affairs.

XXXII. Whenever there is any special business to be laid before the Assembly at any time when not in ordinary session, the Governor or Prefect may summon the Assembly for an extraordinary session, provided that, if he do so, he must at once report to the Minister of Home Affairs the circumstances rendering such extraordinary session necessary.

XXXIII. If the Governor or Prefect considers that views expressed by the Assembly are dangerous to the public peace or in violation of existing rules and regulations, he shall suspend the sittings of the Assembly, and report the circumstances of the case to the Minister of Home Affairs for instructions.

XXXIV. If the Minister of Home Affairs considers that the proceedings of any Assembly are calculated to endanger the public peace or are in violation of existing rules and regulations he may, at any time whatsoever, order the dissolution of the Assembly.

XXXV. In the event of an Assembly being dissolved by the order of the Minister of Home Affairs, an election for the members of the new Assembly shall be held within ninety days of the date of such order.

32. REGULATIONS FOR CITY (KU), TOWN (CHO), AND VILLAGE (SON) ASSEMBLIES.

(Imp. Dec. No. 18, April 8, 1880.)

I. The city, town or village assemblies shall deliberate upon matters relating to the general interests of the locality, and upon the means of defraying expenses incurred therein.

II. The rules of procedure in these assemblies shall be determined in accordance with the local circumstances, but in all cases must be approved by the Governor.

III. In case several cities, towns or villages have a joint assembly the rules of procedure shall be determined in accordance with the local circumstances, but in all cases they must be approved by the Governor.

IV. The Ku-chō carries into effect the resolutions of the city assembly, and the Ko-chō those of the town or village assemblies. If they consider these resolutions improper, they may suspend the execution until they have asked for the Governor's advice.

V. The Ku-chō carries into effect the resolutions of a joint assembly of several cities; and the Ko-chō, Gun-chō or Ku-chō those of the joint assemblies of several towns or villages. In case they consider the resolutions improper the same procedure as set forth in the preceding Article shall be followed.

VI. The Gun-chō or Ku-chō may suspend any resolution of the Gun or Ku Assembly which he considers unlawful, until he has asked the advice of the Governor.

VII. The Governor may delay the execution of any resolution of a city, town or village assembly if he considers it unlawful; and may dissolve any such assembly.

VIII. In case there is need to hold a meeting of the inhabitants of towns or villages to discuss matters relating to land or the improvement of rivers, the necessary regulations shall be drawn up with the consent of the Governor.

IX. In the execution or the suspension of the resolutions of

such a meeting as is provided for in the previous Article, the provisions of Articles IV-VII. shall be adopted.

X. When such a meeting as is provided for in Articles III. and VIII. is held, and some persons or some cities, towns or villages do not attend, the Governor shall refer the case to the Prefectural Assembly, and be guided by its decision. When the Prefectural Assembly is not in session, and the case is urgent, the Governor shall act upon his own discretion and report his action to the Assembly at its next session.

*H-Z.*, 1880, 72.

### 33. REGULATIONS CONCERNING PREFECTURAL ASSEMBLIES.<sup>1</sup>

(Imp. Dec. No. 49, Nov. 5, 1880.)

#### CHAPTER V.—STANDING COMMITTEES.<sup>2</sup>

XXXVI. The Assembly shall elect from among its members a Standing Committee composed of from five to seven members.

XXXVII. The Standing Committee shall be consulted by, and give advice to, the Governor in accordance with the resolutions of the Assembly, upon the method and procedure of carrying out the works which are to be paid for out of the local taxes. In cases of urgent necessity, the Standing Committee may decide the amount to be spent upon such works, and report the same to the Assembly later.

XXXVIII. The Committee shall report the outlines of its

1. Added to Imp. Dec. No. 15, April 8, 1880.

2. The subsequent history of these Standing Committees forms an interesting chapter in the development of the administration of the Cities and Prefectures, but that history does not fall within our period. The Standing Committees were transformed into Councils, and as such exercised semi-official advisory powers in the administration. In the late nineties they fell into bad repute, and were finally abolished some three years ago.



resolutions to the Prefectural Assembly at the opening of its meeting. The Committee shall also receive bills to be introduced by the Governor into the Assembly, and shall give its opinion thereon at the meeting of the Assembly, whether ordinary or extraordinary.

XXXIX. The meetings of the Standing Committee shall be held at regular intervals at the Prefectural office.

XL. At the meetings of the Committee projects may be discussed which have not yet been formally drafted in a bill.

XLI. The Governor takes the chair at the meetings of the Committee. In the cases contemplated in Article XXXVIII, the Chairman shall be elected from among the members of the Committee.

XLII. The quorum of the Committee shall be one-half of the members. The decision rests with the majority. In case of a tie the Chairman has the casting vote.

XLIII. The debates at the meetings of the Standing Committee shall be recorded by the Clerk.

XLIV. The Governor may cause his chief subordinates to attend the meetings of the Committee to explain the matters up for discussion.

XLV. No stranger shall be admitted to the meetings of the Committee.

XLVI. The members of the Committee shall be elected for terms of two years, but are eligible for re-election.

XLVII. The Clerk shall be appointed by the Chairman from among the Prefectural officials.

XLVIII. The members shall receive a monthly salary of from 30 to 80 *yen*, as well as travelling expenses, the amount of which is to be decided by the Assembly.

XLIX. The salaries and travelling expenses of the members, and any other expenses incurred in connection with the Committee shall be paid out of the local taxes.

34. CONSTITUTION AND RULES FOR THE CONDUCT OF BUSINESS  
OF THE BOARD OF METROPOLITAN POLICE<sup>1</sup>.

(Imp. Dec. No. 3, January 14, 1881.)

CONSTITUTION.

The Board of Metropolitan Police administers all police affairs for the City of Tōkyō, and exercises control over the fire-brigades and prisons. The business of the Board is transacted by and divided among the following offices and branches:—

Private Secretariat, General Secretariat, two Bureaux (one charged with the conduct of affairs relating to the executive police, and the other with those of the judicial police), Chief Inspector's office, stationary police offices, office of the Chief Superintendent of fire-brigades and prisons.

Superintendent-General of Police: He will exercise supervision, subject to the control of the Minister of Home Affairs, over all police officials, will give directions to Magistrates of Divisions (Ku and Gun) and Headmen of Districts (Cho and Son) within the City, and have general control of police affairs.

With regard to the appointment and dismissal, promotion and degrading of the officials of the Board, he will make recommendations to the Minister of Home Affairs in the case of those in the second grade and will act independently in the case of those in the third grade or below.

He will take instructions directly from the Ministers of Departments in such police matters as may be respectively under their control.

In matters of state-police he is liable to receive instructions directly from any Minister of State or Privy Councillor.

Vice-Superintendent of Police: He will generally assist the Superintendent-General in the discharge of his duties. In the absence from office of the Superintendent-General he may act in his behalf.

1. A Board which was semi-independent of the Department of Home Affairs.

Superintendents of Police of the 1st to 5th classes : They will receive orders from the Superintendent-General and severally transact such business as is assigned to them.

Clerks of Police : They will severally attend to miscellaneous business.

The above constitute the Board. The work of the Board is done mainly through the officers and staffs referred to under the four following heads :—

1. The police force proper consists of a Chief Inspector, an Assistant-Chief Inspector, Divisional Superintendents, Inspectors, Assistant-Inspectors, and Police Inspectors.

2. The Detective Branch consists of first and second class detective police, assistant detective police, and clerks.

3. The fire-brigades are controlled by a Chief and Assistant-Chief Superintendent, Commanders of divisional brigades, Commanders of companies and Commanders of sections.

4. The Prisons are governed by a Superintendent and Assistant-Superintendent, Clerks, Chief Warders, Assistant-Chief Warders and Warders.

#### RULES FOR THE CONDUCT OF BUSINESS.

In transacting the business of the Board in matters mentioned below, the Superintendent-General shall submit his views to, and receive the sanction of, the Minister of Home Affairs or of any other Department concerned, before taking action. In all matters not here mentioned, the Superintendent-General may take independent action, provided that all responsibility for the execution of both classes of business shall rest with the Superintendent-General.

The matters in respect of which previous sanction is necessary are as follows :—

- I. Sending abroad any officials under his control on business of the Board.



II. The establishment, abolition, or rearrangement of the offices and branches of the Board.

III. Framing rules for the conduct of the business of the offices and branches of the Board.

IV. Entering into or terminating engagements with foreigners in the service.

V. Introducing novel arrangements or deviating from existing rules.

*J.W.M.*, 1881, p. 1024.

### 35. THE CREATION OF FUKUI KEN.

(Notif. No. 3, Feb. 7, 1881.)

It is hereby notified that a new prefecture, named Fukui Ken, has been established over the two provinces Echizen and Wakasa. Also that Sakai Ken has been abolished and will for the future be included in Ōsaka Fu.

The seat of Fukui Ken local government is to be Fukui, Echizen province.

*J.W.M.*, 1881, p. 161.

### 36. REVISION OF THE REGULATIONS CONCERNING THE PREFECTURAL ASSEMBLIES.<sup>1</sup>

(Imp. Dec. No. 4, Feb. 14, 1881.)

V. The following clause is added :—" In the case set forth in the preceding clause the Governor may demand the reconsideration of the measure in question. If the resolution still remains inadmissible, then he shall ask for the decision of the Home Minister, as in the case of the preceding clause."

1. Revision of Imperial Decrees No. 18, 1878, and 15, 1880.

IX. The following clause is added:— "In case the Governor and the Assembly differ in legal opinions, or there is some dispute<sup>1</sup> over their relative competencies, either of them may state the case to the Government and ask for its decision. In this event the Governor may suspend the debates of the Assembly pending the decision of the Government."

XXXIII. The following clauses are added:—1. "In event of the Assembly refusing to deliberate upon bills, the Governor, having obtained permission from the Home Minister, may put the measures in force without the decision of the Assembly." 2. "In case more than half of the members of the Assembly absent themselves from the meeting, and the deliberations cannot go on, the Governor shall report the matter to the Home Minister for instructions."

XXXIV. The first clause is revised to read as follows:— "In case the Assembly acts in such a way as to disturb the peace of the State, or passes resolutions which are contradictory of laws or regulations, the Governor may at any time dissolve it." The following clause is added:—"In the case contemplated in the preceding clause, bills which have not yet been considered shall be debated by the newly elected Assembly."

XXXVII. The first clause is revised as follows:—"The Standing Committee shall be consulted by and give advice to the Governor upon the method and procedure of conducting works."

*H-Z., 1881, 3.*

### 31. REGULATIONS RELATING TO THE DETAILS OF MATTERS TO BE DEBATED IN THE PREFECTURAL ASSEMBLIES.

(Imp. Dec. No. 6, Feb. 14, 1881.)

The Prefectural Assemblies may submit the details of the matters to be debated therein to the city, town, or village

1. It was to settle disputes of this kind that the Board of Adjudication was established in the Central Government on Feb. 14, 1881.

assembly, or to the association for land or river improvements (suiri-dokō-kwai).

*H-Z.*, 1881, 5.

38. REGULATIONS CONCERNING CITY, TOWN, AND VILLAGE ASSEMBLIES.<sup>1</sup>

(Imp. Dec. No. 7, Feb. 14, 1881.)

VIII. In case there is need to hold a meeting of the inhabitants of a certain locality who are interested in the land or river improvements, regulations necessary for such a meeting may be drawn up with the consent of the Governor.

*H-Z.*, 1881, 5.

39. URBAN AND RURAL SECTIONS (KUBU-KWAI AND GUMBU-KWAI) IN THE ASSEMBLIES OF THE THREE FU AND KANAGAWA KEN.

(Imp. Dec. No. 8, Feb. 14, 1881.)

I. In Tōkyō-Fu, Kyōto-Fu, Ōsaka-Fu and Kanagawa Ken, the Prefectural Assemblies shall be divided into two parts; one, the Kubu-kwai, to deliberate upon matters concerning the urban sections, the other, the Gumbu-kwai, upon matters concerning the rural sections.

II. The Assembly shall determine the matters which are to be deliberated separately by the Kubu-kwai and the Gumbu-kwai, and those which are to be considered by the whole Assembly.

III. In order to increase the number of the members of the Urban Section meeting beyond the limit set forth in Article X. of

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1. A revision of Imp. Dec. No. 18, April 8, 1880.



the Prefectural Assembly Regulations, the Governor must first apply to and obtain the consent of the Home Minister.

IV. The quorum of the Kubu-kwai and the Gumbu-kwai shall be one half of the members.

V. In matters which are to be deliberated upon by the whole Assembly, the members of the urban and rural sections, at a joint meeting, shall receive inquiries and make resolutions.

Such joint meetings shall not proceed to business unless one-half of the members are present<sup>1</sup>.

VI. The limitations upon the taxes on trade (*eigyō-zei*) and the miscellaneous taxes (*zasshu-zei*) in the urban districts may be changed with the concurrence of the Government, the Governor reporting the matter to the Home Minister and the Minister of Finance, along with the appropriate resolutions of the Urban Section.

VII. Necessary expenses not provided for in the local tax regulations may be added with the consent of the Government, the Governor reporting the matter to the Home Minister and the Minister of Finance, along with the appropriate resolutions of the urban section.

VIII. Reports of the local taxes which are assessed jointly by the urban and rural authorities shall be made to the Assembly, and those which are assessed separately by the urban and rural authorities shall be reported to the respective meetings of the urban or rural sections.

*H-Z.*, 1881, 5.

#### 40. ADDITION TO THE KUBU-KWAI AND GUMBU-KWAI REGULATIONS.

(Imp. Dec. No. 20, March 29, 1881.)

In Prefectures other than that mentioned<sup>2</sup> where urban

1. Cf. the translation in the *J.W.M.*, 1881, pp. 1286-87.

2. In Imperial Decree No. 8, Feb. 14, 1881. See preceding Document.

organisations have been set up, these rules may be applied with the concurrence of the Government.

*H-Z.*, 1881, 9.

41. CREATION OF TOTTORI KEN.

(Imp. Dec. No. 42, Sept. 12, 1881.)

It is hereby notified that a Prefecture named Tottori Ken, with control over the provinces of Inaba and Hoki has been created.

The seat of the Kencho will be at Tottori.

*J.W.M.*, 1881, p. 1086.

42. THE OFFICE OF POLICE SERGEANT-GENERAL (KEIBU-CHŌ)

(Imp. Notif. No. 99, Nov. 26, 1881.)

The Keibu-chō (one in number) is created to manage local police affairs.

I. Subject to the instructions of the Governor, he takes charge of the general police affairs of the Prefecture.

II. In national police affairs he shall receive instructions from the Home Minister, and shall report upon all matters direct to the Home Minister.

*H-Z.*, 1881, 340.

43. REVISION OF THE PREFECTURAL ASSEMBLY REGULATIONS.<sup>1</sup>

(Imp. Notif. No. 10, Feb. 14, 1882)

VII. A representation, when supported by at least two members, may be introduced and deliberated in the Assembly,

<sup>1</sup> See Imp. Decrees Nos. 15 and 49, 1880.

and if adopted it shall be presented in the name of the Chairman to the Home Minister, or to the Governor, as the opinion of the Assembly.

In the case of an extraordinary session, it is possible to make representations only in connection with those matters for which the meeting was summoned.

X. The following sentence is added :—Besides the required number of members, each District or City may elect not more than ten members for the purpose of filling up the vacancies which may occur.

XIII. Category 2 is changed to read :—

1. "Those who have been sentenced to imprisonment with hard labor, or to confinement on account of some political offence, for a period of not less than one year, in accordance with the old regulations, and have not yet passed five years since the completion of the sentence."

2. "Those who have been deprived of their civil rights, or whose civil rights have been suspended, according to the new regulations; and those who have been sentenced to harder or lighter confinement for a period of not less than one year, according to the same, and have not yet passed five years since the completion of their sentence."

Category 4 is changed to read :—

"Government officials, teachers, and military and naval men in active service."

XIV. The proviso is revised to read :—

"Those who are enumerated in the categories 1, 2, 3, &c., as well as military and naval men have no right to vote at Prefectural Assembly elections."

XXIV. When there are some members to whom some of the categories of Article XIII are applicable, or members who have changed their domicile, or when a vacancy occurs for other reasons, a new election shall be held. If there are substitute members (*koketsu-in*) substitution shall be made in the order in which they were elected. When this provision does not



meet the actual need, then the provision of the preceding clause shall be followed.

XXXVI. The following clauses are added :—

" Besides the limited number of members of the Standing Committee, several substitute members may be elected, and every vacancy be filled by them, according to the order in which they have been elected."

" In the Prefectures where the Kubu-Kwai and the Gumbu-Kwai exist, the election of the additional members shall be carried out separately by the Kubu and Gumbu-kwai."

XI. The following sentence is added :—

" At the meetings held to receive and discuss questions written bills are not required."

XLI. At the meetings of the Standing Committee referred to in the preceding Article the Governor shall take the Chair, but at all other meetings the Chairman shall be appointed at every meeting from among the members.

XLVII. The Clerk of the Standing Committee shall be appointed by the Governor from among the Prefectural officials.

*H-Z.*, 1882, 7.

#### 44. CITY, TOWN, AND VILLAGE ASSEMBLY REGULATIONS<sup>1</sup>.

(Imp. Dec. No. 11, Feb. 14, 1882.)

X. Proviso is to read as follows :—

" In case the Prefectural Assembly is not sitting and it is impossible to wait for its opening, the matter shall be submitted to the Standing Committee and decided, and afterwards reported to the Assembly at its next sitting."

*H-Z.*, 1882, 8.

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1. A revision of Imperial Decree No. 13, April 8, 1880.

45. REVISION OF THE KUBU-KWAI AND GUMBU-KWAI REGULATIONS<sup>1</sup>.

(Imp. Dec. No. 12, Feb. 14, 1882.)

VI. and VII. are expunged.

IX. In order that the *kosūwari* in urban districts may be converted into *kaoku-zei* it is necessary to obtain the sanction of the Government; the Governor shall report the matter along with the appropriate resolution of the Kubu-Kwai to the Home Minister and the Minister of Finance.

*H-Z.*, 1882, 8.46. REVISION OF THE PREFECTURAL ASSEMBLY REGULATIONS<sup>2</sup>.

(Imp. Dec. No. 68, Dec. 28, 1882.)

VI. 2nd clause to read as follows:—

“At the request of the Assembly, the Governor or his delegate shall make explanations of the financial reports.”

XXXI. The Prefectural Assembly shall be opened in March once a year. The sitting shall not last longer than thirty days.

The Governor shall perform the opening and closing ceremonies.

In Prefectures where Kubu-kwai and Gumbu-kwai exist, the sitting may be prolonged not more than one week.

XXXII. The Governor, if is necessary, may call an extraordinary meeting of the Assembly, not to last longer than one week, and shall report the reasons therefor to the Home Minister.

XXXIII. clause 2 is revised to read:—

“In case the Prefectural Assembly has not deliberated

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1. A revision of Imperial Decree No. 8, Feb. 14, 1881.

2. A revision of Imperial Decrees Nos. 15 and 49 of 1880, and No. 4 of 1881.

upon necessary bills, or has failed to conclude its deliberations thereon, within the period of the meeting, the Governor, with the consent of the Home Minister, may put such bills in force."

Clause 4 is as follows :—

"In the case set forth in the first clause, the Home Minister may suspend the sitting of the Assembly and the Governor may determine the amount of the local expenses and the means of defraying them, and execute his plans with the consent of the Home Minister, until the Assembly has been reopened."

XXXVII. At the request of the Governor, the Standing Committee shall advise the Governor as to the method and procedure of conducting works, and as to the use to be made of the Reserve Fund, but in conformity with the resolutions of the Assembly.

In cases of urgent need, the Standing Committee may determine the amount of the expenditures and the methods of raising the necessary funds, for carrying on public works, the expenses of which are to be paid out of the local taxes. In this case the Standing Committee shall report the matter at the next sitting of the Assembly.

*H-Z.*, 1882, 98.

#### 47. REGULATIONS FOR THE TERMS OF SERVICE OF PREFECTURAL OFFICIALS.<sup>1</sup>

(Imp. Dec. No. 9, January 4, 1884.)

Article III. of the Regulations for the Terms of Service of Prefectural Officials is repealed.

*H-Z.*, 1884, 156.

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1. A revision of Imp. Dec. No. 35, Aug. 1878.



48. CITY (KU), TOWN (CHO), AND VILLAGE (SON) ASSEMBLY REGULATIONS.<sup>1</sup>

(Imp. Dec. No. 14, May 7, 1884.)

I. The city, town, and village assemblies are to debate upon matters which involve expenses which are to be defrayed out of the local taxes, and upon the means of raising the necessary funds.

II. The Governor shall determine the length of the sessions of such assemblies by proclamation, the numbers of members thereof, their terms of office, re-election, etc.

III. The Ku-chō convokes the city assembly, the initiative resting with him. The Ko-chō convokes the town or village assembly, the initiative resting with him.

IV. The Ku-chō executes the resolutions of the city assembly, and the Ko-chō those of the town or village assemblies. In case such resolutions seem improper, they shall suspend the execution thereof, and ask the advice of the Governor.

V. In case the Ku-chō or Ko-chō (the Chief Magistrate of the city, town or village) regards the debates of the city assembly (or the town or village assembly) as unlawful or prejudicial to public peace, he shall suspend the debates and ask for the advice of the Governor.

VI. In case the Governor regards the debates of the city, town or village assembly as unlawful or prejudicial to the public peace, he may suspend the meeting or dissolve the assembly in question.

VII. When a city, town or village assembly has been suspended or dissolved, as provided for in the previous Article, the Ku-chō or the Ko-chō may determine the expenditures and means of raising the necessary funds, and carry out their plans with the approval of the Governor.

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1. A new set of regulations for the assemblies in the smaller urban and rural areas.

VIII. In case a city, town or village has not elected the members of the assembly, or the members have not obeyed the summons, and consequently the assembly has not met, and in case the city, town or village assembly has not deliberated upon bills which are necessitated by law, or has failed to conclude its debates within the period of the sitting, the provisions of the preceding Article are applicable.

IX. Those eligible to exercise the franchise must be males of full twenty years, who have resided and have been paying land-taxes in the city, town or village. Those who are declared ineligible in Article XIII., clauses 1, 2, and 3, of the Regulations for Prefectural Assemblies, as well as military and naval men in active service, have no votes.

X. Those eligible for election to the assembly must be males of full twenty-five years, who have their residence and have been paying land-tax in the city, town or village. Those who are declared ineligible in Article XIII., clauses 1, 2, 3, and 4, of the Regulations for Prefectural Assemblies cannot be elected.

XI. The Ku-chō shall take the Chair at the meetings of the city assembly, and the Ko-chō at the meetings of the town or village assembly. In case of the disability of the Ku-chō or the Ko-chō to perform this function he shall nominate a member of the assembly to occupy his place.

XII. In case the Governor regards it impossible to hold meetings of the town or village assemblies within his jurisdiction, he shall ask for the advice of the Home Minister.

XIII. The Governor may call a joint meeting of several cities, towns, or villages, within a fixed area, to discuss matters of common interest.

XIV. To manage the affairs concerning land or river improvements, which cannot be dealt with in the city, town or village assemblies, or in a joint meeting of several cities, towns, or villages, the Governor may establish an association for land and river improvements (*suiri-dokō-kwai*) within a fixed area.

XV. The provisions contained in this regulation shall apply to the joint meetings of several cities, towns, or villages, and the meetings of the land and river improvement associations.

*H-Z.*, 1884, 36.

#### 49. REVISION<sup>1</sup> OF THE PREFECTURAL ASSEMBLY REGULATIONS.

(Im. Dec. No. 28, Dec. 8, 1884.)

XXXI. is made to read November instead of March.

*H-Z.*, 1884, 47.

#### 50. ORGANISATION OF THE METROPOLITAN POLICE OFFICE (KEISHI-CHŌ).<sup>2</sup>

(Imp. Ord. No. 42, May 4, 1886.)

The Officials of the Metropolitan Police Office are :—

1. The Chief (one).
2. First, second, third, fourth and fifth class Police Inspectors.
3. Clerks.
4. Police Sergeants.
5. Assistant Police Sergeants.

The main regulations concerning the Chief are :—

I. The Chief of the Metropolitan Police Office shall be of *chokunin* rank of the first or second grade. Subject to the direction and supervision of the Home Minister, he shall preside over matters concerning police, prevention of fires, and jails.

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1. This revision was not to come into effect till November 1885.

2. *Supra* pp. 256-57.



II. Subject to the direction of the Prime Minister, he shall take charge of the national police affairs, and he shall be subject to the direction and supervision of the Ministers of State when he deals with matters relating to their respective jurisdictions.

III. He may issue police ordinances (*keisatsu-rei*) relating to police affairs in Tōkyō-Fu, on the strength of his own authority, within limits not contradictory of law or ordinance.

IV. He shall exercise control over all his subordinates; he may promote or degrade officials of *sonin* rank, referring the matter to the Home Minister, and officials of *hannin* or lower rank at his own discretion.

V. He shall direct the Chief Magistrates of the Urban and Rural Divisions, Towns, and Villages in the matters with which he is entrusted.

*H-Z.*, 1886.

## 51. ORGANISATION OF THE LOCAL GOVERNMENT SERVICE.

(Imp. Ord. No. 54, July 12, 1886.)

### CITIES AND PREFECTURES.

I. In each City and Prefectural Government, there shall be the following officers:—

One Governor.

Secretaries.

One Chief Tax-collector.

Clerks.

Tax-collectors.

Governor of Prisons.

Assistant-Governor of Prisons.

Clerks of Prisons.

Chief Warders of Prisons.

Assistant-Chief Warders of Prisons.

II. The Governor shall be of either 2nd class *chokunin* rank, or 1st class *sonin* rank, and shall carry out statutes and instructions, and superintend the administrative and police business of the territory over which his jurisdiction extends, under the direction and control of the Minister of State for Home Affairs. Should a particular matter fall within the competency of any other Department, he shall deal with it under the direction and control of the Minister of that Department. The Governor of Tōkyō may be promoted to the 1st class *chokunin* rank.

III. The Governor shall, by virtue of his functionary powers, or by virtue of powers specially delegated to him, issue, within the limits of statutes and instructions, City or Prefectural ordinances either for the whole territory under his control or for a part of it, relating to administrative and police business.

IV. City and Prefectural ordinances shall come into force after they shall have been promulgated through the columns of the *Official Gazette*, or in other methods which may be specially established.

V. When a City or Prefectural ordinance is deemed by the Minister of State for Home Affairs, or by any other competent Minister, to be prejudicial to the public interest, or contrary to an existing law or regulation, or to overstep the limits of the legal power of the official issuing it, such ordinance may be ordered to be suspended or rescinded.

VI. The Governor shall have control over all the officials attached to him. He should report on the conduct of officials of *sonin* rank to the Minister of State for Home Affairs, or to any other Minister within whose competency the matter falls. The appointment and dismissal of officials of *hannin* rank shall be entirely in the competency of the Governor.

VII. The Governor shall have the power of meting out to the officials under his control disciplinary punishment, in conformity with the rules laid down by statutes or instructions. In the case of officials of *sonin* rank, the matter must be laid before

the Minister of State for Home Affairs, and in the case of officials of and below *hannin* rank, the Governor shall have full power to take action into his own hands.

VIII. When military force is rendered necessary in any case of extraordinary emergency, or military defence is advisable as a precautionary measure, the Governor shall have power to request the presence of troops by sending a despatch to the Commander of the garrison (*chindai*) or of a detachment (*bun-tai*).

IX. The Governor shall determine the distribution, separation, and amalgamation of branch police offices in each urban and rural Division.

X. The Governor shall have power to enact detailed rules for the conduct of business in his office.

XI. The Governor shall have power, according to the requirements of the public business, to engage employes, but the salaries paid in his office must not exceed the amount estimated.

XII. The Governor shall have power, within the estimated amount of expenditure in his office, to reward, at the end of each year, such officials of and below *sonin* rank as may have distinguished themselves by special services. In the case of officials of *sonin* rank, the matter must be laid before the Minister of State for Home Affairs, and in the case of officials of and below *hannin* rank it will lie within the absolute power of the Governor.

XIII. The Governor shall have power, according to requirements, and within the estimated amount of salaries, to appoint an Engineer in conformity to the Regulations as to the Official Rank and Salaries of Engineers (*Gijutsukan Kantō Hōkyū Rei*), subject to the approval of the Minister of State for Home Affairs. Should such appointment require to be made in connection with any work the cost of which is to be defrayed from the local taxes, the engineer may be hired as an employé, after the sanction of the Minister of State for Home Affairs has been obtained.

XIV. The Secretaries shall be two in number, shall be



of or under 2nd class, *sonin* rank, shall, under the direction of the Governor, assume the position of Directors of Divisions, and shall manage the business of such Divisions. In the case of the inability of the Governor to transact business, the senior Secretary shall represent him in his functions.

XV. The Chief Tax-collector shall be of or under 4th class, *sonin* rank, and shall have control, under the direction of the Governor, of affairs relating to the imposition and collection of taxes.

XVI. Clerks shall be of *hannin* rank, and shall engage under the direction of their superiors, in the general business of book-keeping, etc.

XVII. Tax-collectors shall be of *hannin* rank, shall be attached to the Division of Taxation (*Shuzai-bu*), and shall engage, under the direction of the Chief Tax-collector, in the business allotted to them.

XVIII. Governors of prisons shall be of either 1st or 2nd class, *hannin* rank, shall superintend, under the direction of either the Governor or the Director of the Section, all business connected with prisons, and shall have control over prison clerks, warders, and other officials under them.

XIX. Assistant-Governors of prisons shall be of 3rd, 4th, 5th class, *hannin* rank, shall assist the Governors generally, and in the case of their inability to transact business shall represent them in their functions.

XX. Prison Clerks shall be of or under 6th class *hannin* rank, and shall, under direction of the Governors of prisons, engage in the business allotted to them.

XXI. Chief Warders of prisons shall be of the 5th, 6th, or 7th class, *hannin* rank, shall, under the direction of the Governors, have supervision over prisons, and shall superintend the work of the warders.

XXII. Assistant-Chief Warders shall be of or under 8th class, *hannin* rank, and shall assist the Chief Warders in discharging their duties.

XXIII. Rules relating to Prison Warders shall be established by special enactment.

XXIV. In order to distribute the business of the City or Prefectural Government among the different officials, Divisions, No. I. and No. II., each subdivided into Sections, according to the convenience of the Division, shall be established under the Directorship of the Secretaries :—

DIVISION NO. I.

1. Affairs connected with the Local Assembly, the committee dealing with engineering works (hydraulic, etc.), and the town and district committees.
2. Affairs connected with local taxes, town and district rates, and the agricultural distress and relief fund.
3. Affairs connected with foreigners.
4. Affairs connected with correspondence, and the keeping of official seals and city or prefectural seals.
5. Affairs connected with agriculture, manufactures, and commerce.
6. Affairs not falling within the sphere of other Divisions.

DIVISION NO. II.

1. Affairs connected with engineering works.
2. Military affairs.
3. Affairs connected with education.
4. Affairs connected with prisons.
5. Affairs connected with sanitation.
6. Affairs connected with accounts and public bonds.

XXV. Besides these Divisions, there shall be, in each City and Prefectural Government, a Division of Taxation, which shall have control over all the business connected with the assessment and collection of taxes, and the expensrs of such collection. The establishment of Sections in each Division shall be carried out according to the basis of Article XXIV.

XXVI. In the case of temporary business, not specified in the foregoing Articles, the Governor shall have power to

determine where and by whom it will be dealt with, according to the convenience of the case.

POLICE OFFICIALS.

XXVII. In each City and Prefectural Government, there shall be the following police officials :—

Chief Police Inspector.

Police Inspectors.

Police Sergeants.

XXVIII. The Chief Police Inspector shall be of the 5th, or a lower, class of *sonin* rank ; and shall superintend the following business, under the direction and control of the Governor :—

1. Supervision of all higher police business in the territory of the local government.
2. The arrangement of all business relating to police matters in such territory, and the expenses of the police force.
3. The direction of all police officials under him, and control of the whole force in case of emergency.
4. The distribution of the required police officials to all police offices and branch police offices in the district.

XXIX. Police inspectors shall be of 1st to 7th class, of *hannin* rank ; and sergeants shall be of 8th, or a lower, class of *hannin* rank. They shall superintend the police business under their special charge and have direction and control over the policemen under them, subject to the direction and control of the Chief Police Inspector.

XXX. In each City and Prefectural Government there shall be established Police Headquarters, forming a separate Division in the City or Prefectural Government, in addition to those mentioned in Article XXIV. This Division shall be under the Directorship of the Chief Police Inspector, and the business mentioned in Article XXVII shall be transacted by establishing therein various Sections.



XXXI. In each urban or rural division of a City or Prefecture there shall be established a police office ; and attached to each police office there shall be branch police offices. The former shall be under the charge of a police inspector, and the latter either under an inspector or a sergeant according to convenience. These shall have control over the higher administrative and judicial policing of the district under their charge, and shall superintend the carrying out of statutes and instructions. The business under their charge may be specified as follows :—

1. Affairs connected with trades, market-places, companies, manufactories, weights and measures, temples, religious associations, preaching, and worship.

2. Affairs connected with theatrical establishments, places of amusement, places for sport, resting places, decorations, festivals, funerals, gambling, lotteries, and other matters relating to public conduct.

3. Affairs connected with shipping, embankments, river-banks, roads, bridges, fords, railways, telegraphs, parks, vehicles, horses, buildings of all kinds, fields and forests, fishing and hunting, and the collection of sea-weed.

4. Affairs connected with injuries to human life, crowding of people, quarrels, fire-arms, gunpowder, explosives, spontaneously combustible substances, swords, floods, fires, ship-wrecks, articles lost and found, and substances which have been buried in the earth.

5. Affairs connected with contagious diseases, and their prevention, disinfection, and inspection, vaccination, liquors, food, drinking water, medical treatment, medicines, live stock, butchery establishments, graveyards, cremation yards, and all other matters relating to sanitation.

6. Affairs connected with the detection and apprehension of criminals of all kinds, the collection of evidence and the transmission of the latter to public prosecutors.

7. Affairs connected with deserters, lunatics, lost children, and persons under police supervision.

8. Affairs connected with political associations, political meetings, newspapers, magazines, books, and other matters relating to publication.

XXXII. Each police official shall discharge his duty by virtue of functional powers, or by the orders of his superiors, or at the request of the Director of the Division of police, the chief tax-collector, the chief of the town or district office, the headman or other executive official, or, in matters connected with judicial policing, by the order of a public prosecutor.

XXXIII. In any and every case, when an executive or judicial official submits a request on his own responsibility, police officials will be obliged to comply with such request.

XXXIV. When correspondence between one local government and another is necessary in connection with a police matter, it should pass through the Governor. But in cases where promptitude is required, the correspondence may be addressed directly to the chief police inspector, or to the chief police official of the locality in which action is to be taken.

XXXV. Rules relating to policemen will be specially enacted.

XXXVI. Business relating to policing and prisons under the government of the city of Tōkyō, shall be dealt with according to Imperial ordinance<sup>1</sup> No. 42, relating to the Organization of the Metropolitan Police, and accordingly such business does not come under the scope of any of the Articles of the present ordinance.

#### RURAL AND URBAN DIVISIONS.

XXXVII. In each or several rural Divisions there shall be a Chief of the District Office; and in each urban Division, there shall be a Chief of the Municipal Office. In both there shall be several clerks.

XXXVIII. The Chief of the District or Municipal Office shall be of or under the 4th class, *sonin* rank; and Clerks shall be of or under 4th class, *hannin* rank.

1. *Supra* pp. 312 ff.

XXXIX. The Chief of the District or Municipal Office shall carry out statutes and instructions in the district under him, and superintend the executive business of the district, according to the direction and under the control of the Governor.

XL. In cases the power to deal with which is delegated to him by statutes or instructions, or by the special order of the Governor, the Chief of the District or Municipal Office shall have power to act according to convenience, and shall afterwards report his action to the Governor.

XLI. The Chief of a District or Municipal Office shall have control over the headmen under him, in executive affairs; and in the case of district affairs, he shall superintend them.

XLII. The Chief of a District or Municipal Office shall report to the Governor on the appointment and dismissal of clerks.

XLIII. The Chief of a District or Municipal Office shall have power to issue notifications applying to the district under him, on matters for which the power is delegated to him by statutes or instructions or by the Governor.

XLIV. The chief of a District or Municipal Office shall have power to request a police official to effect the carrying out of administrative measures in the district.

XLV. The clerks of a District or Municipal Office shall engage in general business, according to the orders of the chief of such office.

#### INSULAR LOCALITIES.

XLVI. In the Prefectures of Nagasaki and Kagoshima, and in other Cities and Prefectures to be determined, there shall be appointed a Director of Islands, who shall have power to manage the executive affairs of the locality; and in the case of matters for which the power is delegated to him by the Governor, he shall have authority to act according to the requirements of the case.



XLVII. Directors of Islands shall be under 3rd class, *sonin* rank.

*J.W.M.*, 1886, July 31, pp. 114-15.

52. REGULATIONS FOR LOCAL OFFICIALS<sup>1</sup> (CHIHOKWAN-KWANSEI).

(Imp. Ord. No. 55, July 12, 1886.)

The Local Officials in the Prefectures are :—

The Governor (Chiji), the Secretary (Shokikwan), the Tax-Inspector (Shūzei-chō), Clerks (Zoku), the Taxing Officers (Shūzeizoku), the Prison Governor (Tengoku), Assistant Prison Governor (Fuku-Tengoku), Prison Clerks (Shoki), Jailors (Kanshu), Chief Jailor (Kanshu-shō).

The main regulations for the Governor are :—

I. The Governor shall be of *chokunin* rank of the second class, or of *sonin* rank of the first class. He shall be subject to the direction and control of the Home Minister; the Ministers of the Departments of State shall direct and supervise his actions, each of them so far as it lies within his jurisdiction to do so. In this way the Governor shall preside over the administration and the police affairs of the Prefecture. The Governor of Tōkyō-Fu may be promoted to *chokunin* rank of the first class.

II. As regards the administration and the police affairs of his Prefecture the Governor may issue prefectural ordinances (*fukē-rei*), within limits not contradictory of laws and ordinances, upon the strength of his legal authority, and by special enactment for the whole or a part of the Prefecture concerned.

III. Prefectural ordinances shall be put into effect after they have been published in the *Official Gazette*, or in compliance with other regulations specially enacted.

IV. In case the Home Minister or other Minister of State

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1. Cf. the translation in the *J.W.M.*, 1886, July 31, p. 114.

shall consider a prefectural ordinance to be contradictory to the public interest or the provisions of laws or ordinances, or to be *ultra vires*, he may annul it or suspend its execution.

V. The Governor shall exercise control over all his subordinate officials; he may promote or degrade officials of *sonin* rank, with the consent of the Home Minister or the Minister of the Department concerned, and officials of *hannin* rank or below upon his own discretion.

VI. The Governor may reprove his subordinates in accordance with laws or ordinances; in case of officials of *sonin* rank the matter shall be reported to the Home Minister, but in the case of *hannin* rank or below no report need be made.

VII. In emergencies the Governor may ask the Commandant of the *chindai* or its branch barracks for the despatch of soldiers, if the force of arms is necessary to preserve the peace.

The Local Officials of the Division (Gun) and City (Ku) are:—

I. The Chief Magistrate of a Division (Gun) is the Gun-chō, of a City (Ku) the Ku-chō; there are also several clerks.

II. The Gun-chō and the Ku-chō shall be of *sonin* rank of the fourth class or lower, and the clerks of *hannin* rank of the third class or lower.

III. The Gun-chō and Ku-chō shall execute laws and ordinances and be entrusted with the administration of the Division or City concerned.

IV. The Gun-chō and the Ku-chō shall have charge of all matters specially entrusted to them by laws and ordinances or by the Governor, and shall report the cases to the Governor after execution.

V. The Gun-chō shall direct all the Magistrates of the towns and villages within his jurisdiction as regards administrative affairs and control them in general public affairs.

VI. The Gun-chō and the Ku-chō shall consult the Gov-

error in the appointment or dismissal of the Divisional or City clerks.

VII. The Gun-chō and the Ku-chō shall announce to the public all matters entrusted to them by laws and ordinances or by the Governor.

VIII. The Gun-chō or the Ku-chō may cause the police officers to carry out their administrative measures within their respective jurisdictions.

IX. Subject to the instructions of the Gun-chō and the Ku-chō the Divisional or City clerks shall have charge of miscellaneous affairs.

The Local Officer in an Island :—

I. In Nagasaki, Kagoshima, and other Prefectures to be designated hereafter, a Governor of an Island (Tōshi) may be appointed in order to take charge of administrative affairs, and he shall deal with all matters entrusted to him by the Governor.

II. The Tōshi shall be of *sonin* rank of the third class.

*H-Z.*, 1886.

### 53. INSTRUCTIONS ADDRESSED TO THE GOVERNORS OF CITIES AND PREFECTURES.

(By the Minister President of State, September 28, 1887.)

Since the Restoration, affairs of state, connected with our home administration as well as our foreign policy, have become infinitely diversified in character and perplexingly vast in amount. But the one fixed purpose for which all these affairs have been carried out on a fixed line of policy has unswervingly been to strengthen the vitality of the nation, to assert our national rights, to promote the happiness of the people, and to lay a permanent basis to work upon, thereby bequeathing to posterity a line of policy to be forever pursued. Such is in fact the aim which His Majesty the Emperor has even to this day with gracious anxiety (for the good of Empire) caused his officials, central as



well as local, to keep their minds upon, so as never to deviate therefrom.

Now the proclamation of an Imperial Rescript in April, 1875 (8th year of Meiji), announcing the gradual formation of constitutional government; the establishment of the Senate<sup>1</sup> and of the Court of Revision<sup>2</sup> in the same year; the inauguration of local assemblies in 1879 (12th year of Meiji); the proclamation of the Imperial Rescript of October of 1881 (14th year of Meiji), declaring the opening of a Deliberative Assembly in 1890 (23rd year of Meiji), and in December of 1885 (18th year of Meiji) the organization of the different Departments, which was thoroughly established,—these measures have all of them been the outcome of a fixed policy on the part of the Government, the object kept in view having been the attainment of the ultimate completion of the whole work by a gradual process.

Now that His Majesty's judgment has become ripened after years of thought, has become strengthened more than ever, and now that the work of the Restoration is so near its completion that "only a cart-load of earth," so to speak, is needed to give the last finish to the hills we have been building up, should any of the people in the country, not clearly understanding His Imperial Majesty's views, be led astray into erroneous ideas by doubts or misgivings, no small injury will be inflicted upon the great work in hand. We hereby inform you, in respectful obedience to the gracious will of His Imperial Majesty, of a general view of the policy of the country, both as to internal and external affairs, and point out to you the course of administration to be pursued.

Firstly,—the fundamental principles of our constitutional system of government shall be based upon the historical traditions of the country and the principles that have been handed down by the Imperial Ancestors, modified by careful consideration of the actual circumstances of the times; respect shall be paid to the rights of the subject and extension be given to the

1. The Genro-in. 2. Daishin-in.

power of public representation. These things, it must be observed, are gracious gifts which His Imperial Majesty is pleased to grant to his subjects upon His own judgment and condescension. These points may without difficulty or elucidation be understood, if one but glances at the dignified and majestic character of our national polity since the days of the first Imperial Ancestor, and of the Imperial Rescripts of April, 1875 (8th year of Meiji) and of October, 1881 (14th year of Meiji).

In foreign countries the course each nation pursues is different from that pursued by others, owing to the historical peculiarities of each nation. Opinions are consequently divided according to the different schools of thinkers, and these opinions are as yet far from being unified. Different scholars maintain different theories, and each advocating his own ideas by copious arguments they do not seem to come to any agreement. They have each of them more or fewer reasons for the support of their positions, which are plausible enough to effect an agitating influence upon the general public. It cannot but follow from such a state of things that men holding opinions more or less coinciding with each others' should gradually form themselves into a combination, and should be in perpetual conflict with those differing from them. Such is indeed what is very frequently observed in other countries. Yet in this country the upholding of the divine emblems of the Imperial Ancestors in a position permanent and inviolable, the maintenance of the dignity of the Imperial Family, while on the other hand the granting to subjects the right of representation, are matters of the most significant importance in their bearing upon the national polity and upon the great aims of the Imperial Ancestor. With regard to this matter, therefore, neither the one nor the other of His Majesty's subjects has the slightest shadow of right to attempt an intrusion. Should any of them either before or after the proclamation of the Constitution offer any objection to the determination of it according to His Majesty's

own personal judgment, he should be looked upon as having overstepped the limits of freedom of speech, and that of holding public meetings and of petition; and should any individual, under pretext of such objection, instigate or persuade others to plan insurrection, such necessary measures as expediency may require should be adopted for the maintenance of the public peace.

Secondly,—Administrative affairs ought to advance hand in hand with the march of social improvement. Since the Restoration the condition of society has been greatly changed with the downfall of the feudal system, and the mode of living and all sorts of undertakings have assumed an entirely new phase and are now in a career of striking progress. Now, in this transition from the old to the new order of things, we inevitably find many forces in a stationary and unprogressive state, while other elements and antagonistic tendencies may be found perpetually conflicting with each other, and thereby preventing a happy harmonisation of social life. It is the Government's purpose to superintend these social forces, to protect deserving ones, and to point out the direction in which they ought to be conducted so as to secure the gradual and complete results of progress. It is owing to these circumstances that embarrassments and difficulties of an extraordinary nature are encountered in the field of administrative affairs. This is, indeed, unavoidable in the existing state of things.

Under these circumstances, those engaged in the work of administration ought to make stability and permanence their object, and disregarding all immediate results should foster in concert with the people the spirit of enterprise, industry, and perseverance. They ought, further, to make it their aim to promote the happiness and prosperity of the people and to enable them to prove to the eyes of the world their capacity to be a perfectly independent, unrestrained, and inviolate nation, thus bequeathing to our posterity the honour of being the subjects of a permanent and mighty Empire. To this end



ought we to direct our aims, and to this end should we march in a straight line, carrying out to good effect all sorts of administrative affairs concerning education, industries, engineering works, economy, local self-government and the like. Such is the fixed plan of His Majesty's Government, originally designed and arranged by the anxious efforts of the lately deceased Ministers of State, in pursuance of His Majesty's profound ideas, and which has been left by them to us, holding us responsible to accomplish its completion. If at this juncture enterprise in the provinces should suffer relaxation on account of any excitement of the popular mind caused by occasional political agitation, and were the scheme of administration planned during these past twenty years, to be left to take care of itself, what would become of the future of our nation! You, whose duty it is to directly care for the welfare of the people, ought to spare no pains to promote their good.

The country being at present in the full career of progress, multifarious affairs, domestic as well as foreign, demand our attention. Particularly, for the existence and defence of the country, military and naval affairs ought not for a moment to be left neglected. Glancing at the general aspect of affairs in the outer world, and considering the permanent policy of this country, it cannot but be noticed that we, His Majesty's subjects, have a heavy burden to bear and have to endeavour with all preserverance and endurance to maintain the dignity of the country in the present and for the future. It is, therefore, the earnest desire of the Government that the people prove their loyalty and patriotism by faithfully discharging the two duties of paying taxes and of performing the military service; while on the other hand the Government shall strive after strictness, integrity and accuracy in expenditure, avoiding all superfluities and aiming at usefulness; and shall husband the resources of the country, and keep them available for every emergent demand. You should bear these points in mind, and should not fail to guide the people in the proper direction. You should

also endeavour with every care not to injure the fostering of the resources of the people.

Thirdly :—Since the late Iwakura was sent abroad as Ambassador in 1871 (4th year of Meiji), Treaty Revision has always remained our unmovably fixed object, and opportunities have frequently been taken advantage of for the purpose of obtaining the result aimed at. Recently, conferences have been held by delegates appointed by our Government and by those of all the Treaty Powers, but before a conclusion had been arrived at, our Government had to announce the adjournment of the proceedings. This step was made necessary by the unfortunate circumstance that there were points in the views of the parties concerned that could not be brought to a solution. The revision of the treaties has important bearings both at home and abroad and the Government has to act with caution and prudence, so as to avoid, for the sake of the future of the country, all errors which it might not be in the power of the nation to repair. We shall pursue a fixed and unmovable line of policy for the purpose of revising the existing treaties containing an extraterritoriality clause, and of newly establishing on a footing of equality, friendly relations with the Treaty Powers, with a view to promote our mutual benefit. But for the attainment of the purpose in question, we must rely upon the improvement and perfection of our internal administration and of the laws of the country. Such is the step we have been forced to adopt from a careful consideration of expediency in the peculiar situation in which the country is placed. As to the opinion that diplomatic affairs should be submitted to the public deliberation of the people, it must be observed that no such course is followed in any constitutional monarchy. The supreme powers connected with military and foreign affairs are exclusively in the hands of sovereigns, and excepting in certain cases no such affairs are submitted to the public deliberation of the people. Were the power of declaring war and of concluding peace and treaties to be delegated to the public, where it must be asked would be the

supreme power of the Sovereign? For these reasons, the proposition above alluded to must be rejected according to our future constitution. This is also a point which you shall bear in mind in guiding the course to be followed by the people.

Besides what has thus far been set forth the Government will not fail to carry out by degrees, in accordance with the Imperial Rescripts, all measures necessary for the establishment of the constitution. Our object is to see every department of business conducted in good order and honestly so that the machinery of administration may be kept free from relaxation of effort and from corruption. We trust that you will, in obedience to the gracious wishes of His Imperial Majesty, endeavour not to deviate from the course already settled, and that, discharging your obligations to share the responsibility, and by the consistency of your conduct, you will not neglect to secure the honour of having contributed to the completion of the great work of the Restoration.

*J.W.M.*, 1887, Oct. 8, pp. 352-53.

#### 54. LOCAL CONTRIBUTIONS AND EXPENDITURES.

(Imp. Ord, No. 56, November 4, 1887.)

I. Money, grain, or other articles contributed towards objects the expense of which would otherwise be defrayed out of the local taxes, should be applied solely to the purposes named by the contributors under the decision of the local assembly concerned.

II. Expenditures coming under the heading of miscellaneous in connection with the local administration should be submitted to the consideration of the assembly concerned in the same way as the estimates of the other outlays.

III. The present regulations shall come into force from and after the 21st fiscal year of Meiji.

*J.W.M.*, 1887, Nov. 19, p. 496.



## 55. THE CREATION OF NARA KEN.

(Imp. Ord. No. 59, Nov. 4, 1887.)

Nara Ken is to be established. The Kencho is to be at Nara. The extent of the jurisdiction is the province of Yamato.  
*J.W.M.*, 1887, Nov. 19, p. 496.

56. ORGANISATION OF THE GOVERNMENT OF CITIES (SHI).<sup>1</sup>

(Law No. 1, April 14, 1888.)

## TITLE I.—GENERAL PROVISIONS.

## CHAPTER I.—OF CITIES AND THEIR CIRCUMSCRIPTIONS.

I. The present law shall apply to every town separated from the gun and declared a city.

II. A city shall be considered a juristic person, and shall administer by itself its own affairs subject to the supreme control of the Government.

III. The boundaries of a city shall remain as they are, so long as no alteration thereof is made in conformity with the provisions of the present law.

IV. In case of any alteration of the boundaries of a city, or of the incorporation of a town or village with a city, or of the detachment of a part of a city, Article IV. of the Organisation of Towns and Villages shall apply.

V. Disputes concerning the boundaries of a city shall be decided by the Fu or Ken Council. Against the decision of the latter an action may be brought in the Administrative Court.

## CHAPTER 2.—OF THE CITY RESIDENTS (SHISUMIN) AND OF THEIR RIGHTS AND DUTIES.

VI. All those who have their residence in a city shall be called the "residents" of the city.

All the residents of a city shall be entitled on the one hand

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1. This law is commonly referred to as the Municipal Code.

to the common use of its establishments as well as its property, and on the other shall be subject to the duty of sharing the common burden of such city in accordance with the provisions of this law; the provision of this Article, however, shall not prejudice any rights or duties founded on the civil law.

VII. Every independent male person being a subject of the Empire and in the enjoyment of his civil rights, shall be a citizen (*komin*) of a city, provided he has fulfilled the following conditions for the preceding two years:—1. That he has been a resident of such city. 2. That he has contributed toward the common burden of such city. 3. That he has paid national land tax of two or more *yen* or other direct national taxes in such city. Persons who have received alms from any public sources within the last two years shall be excepted. The term of two years fixed in this Article may be dispensed with in particular cases, according to circumstances, by a decision of the city assembly.

An independent person, in the sense of this law, shall mean a person who has completed his twenty-fifth year, and has a household, provided, however, that he is not deprived of the right of freely disposing of and administering his property.

VIII. Every citizen shall be entitled on the one hand to the right of taking part in the city elections, and of eligibility for any honorary office in the city assembly or administration, and shall be bound on the other by the obligation of assuming such honorary office.

No citizen may refuse to accept any such office or resign the same during the term of the office, except when one of the following reasons shall exist:—

1. Inability to discharge his official duties on account of disease or illness.
2. Necessity of frequently absenting himself from the city on account of occupation.
3. Being sixty years old or more.

4. Engagement in the government service whereby he is unable to discharge his official duties in the city.

5. That he was an official of the city without salary for four years and that four years have not elapsed since, or that he was a member of the city assembly for six years and that six years have not elapsed since.

6. Any other valid ground of excuse recognized as such by the city assembly.

- Any citizen who, without being sustained by any of the above enumerated reasons, refuses to accept any honorary office, or resigns it during the term of the office, or when the office is one of no definite duration of term does not fulfil his duties therein for a period of at least three years, or any honorary officer who actually evades the duties of any such office, may, by a decision of the city assembly, be subjected to suspension of citizenship for from three to six years, together with an additional levy, during the same period, or from one-eighth to one-quarter more than his ordinary share of contribution to the city expenditure.

Against the aforementioned decision of the city assembly a complaint may be made to the Fu or Ken Council, and against the decision of the latter an action may be brought in the Administrative Court.

IX. A citizen shall lose his citizenship when he loses any of the necessary conditions prescribed in Article VII.

The citizenship shall be suspended during bankruptcy proceedings, during the pending of a judicial enquiry or judicial detention when such enquiry or detention is on account of a supposed crime or delict which if proven shall involve the loss or suspension of civil rights, or during execution on account of a failure in payment of a tax.

Persons in actual military or naval service may not take part in the public affairs of a city.

Loss or suspension of citizenship shall also entail the loss of an office that is dependent thereon.



## CHAPTER 3.—OF THE CITY LAWS.

X. Every city may issue by-laws for regulating such affairs of the city and such rights and duties of its residents, as to which the present law contains no express provision or gives authority for treating differently.

Every city may issue regulations for any of its establishments.

By-laws and regulations may not be in conflict with laws and ordinances, and shall be published according to the customary modes of the locality for notifying official documents.

## TITLE II.—OF THE CITY ASSEMBLIES.

## CHAPTER I.—OF THE CONSTITUTION AND ELECTIONS.

XI. The members of a city assembly shall be elected by the electors of the city from amongst the eligible citizens. The city assembly shall consist, in proportion to the population, of thirty members, in a city of less than fifty thousand souls, and of thirty-six, in one which has fifty thousand or more souls.

In a city with more than a hundred thousand souls, three members shall be added for every fifty thousand souls in excess; in one with more than two hundred thousand souls, the same number shall be added for every ten thousand in excess, and the highest number in one city shall be limited to sixty.

The number of members in a city assembly, however, may be changed by a city by-law, provided that it does not exceed the maximum.

XII. All citizens shall have the suffrage, excepting those whose citizenship is suspended (Article VIII. 3, Article IX. 2), or those who are in actual military or naval service.

Every Japanese subject in the enjoyment of his civil rights, and paying any direct city taxes, the amount of which exceeds that which is paid by one of the three citizens who pay the largest amount of such taxes in the city, shall also have the suffrage in that city, although he may lack in the qualifications enumerated in Article VII., unless there exists some reason which would

cause a suspension of citizenship or unless he is in actual military or naval service.

Companies established in accordance with law and other juristic persons shall also have the suffrage under the same conditions as described in the preceding paragraph.

XIII. The electors shall be divided into three classes.

The first class shall consist of those electors who pay the highest sums of direct city taxes, the total of which amounts to one-third of the whole amount of direct city taxes paid by all the electors.

The second class shall consist, after excluding those belonging to the first class, of those electors who pay the highest sums of direct city taxes, the total of which amounts to one third of the whole amount of such taxes paid by all the electors. The remaining electors shall compose the third class.

An elector, the amount of whose taxes may fall into two classes, shall belong to the higher class. Should there be two or more persons that pay the same amount of taxes, and they come between two classes, that one or those, as the case may be, whose residence in the city has been the longest, shall be included in the higher class. When the matter cannot be decided by length of residence it shall be decided by seniority of age, and in case of infeasibility of the latter, by lot drawn by the Shichō.

Every class shall elect for itself one-third of the members from amongst the eligible citizens, irrespective of the classes.

XIV. In an extensive or thickly populated city electoral districts may be formed by a city by-law for all the classes or specially for the second or third one.

The number and extent of electoral districts, as well as the number of members to be elected by each district, shall be determined by a city by-law, but shall be based as much as possible upon the number of electors.

The district to which an elector belongs shall be determined by his place of residence, and in the absence of such residence, by the place wherein is situated the object on which

he is taxed ; and in case he is taxed upon several distinct objects situated in several different districts, then the place wherein the objects on which he is taxed the most shall be decisive.

When electoral districts are formed, the classes shall be formed separately in each district.

Eligibility shall not be confined to persons belonging to the same district.

XV. All citizens having the suffrage (Article XII. 1) are eligible to membership.

The following persons, however, may not become members of a city assembly :—

1. Government officials attached to respective Fu or Ken authorities.
2. Salaried city officials.
3. Public prosecutors and police officers and forces.
4. Shintō or Buddhist priests and ministers of all other creeds.
5. Teachers of elementary schools.

As to other kinds of Government officials, the permission of the chief of the office to which they belong is required for becoming members.

Persons, not being recognized advocates, that make it their business to transact business for others in law courts or other public offices are ineligible.

A father and his son or brothers may not be members of a city assembly at one and the same time. In case such persons have been elected, the one who has polled the largest number of votes shall be declared elected, and in case of a tie, then the senior in age shall be declared elected. When they have been elected at different periods, the one last elected may not become a member.

A person having the relationship of father or son, or brother, to a member of a city council, shall for the time being, be disabled from becoming a member of the assembly of the



same city. When a person having the same relationship to a member of a city assembly accepts the appointment of a member of the council of that city, such member of the city assembly shall have to retire from his membership.

XVI. Membership of a city assembly is honorary. The term of membership is six years and every three years one half of the members elected by each class shall be renewed. When the number of members is not divisible into two equal parts, the greater half shall be renewed first. The members who shall have to retire first shall be determined by lot.

Outgoing members are re-eligible.

XVII. Vacancies occurring between ordinary elections shall be supplied by substitutionary elections held at the same time that the ordinary elections are held. When, however, such vacancies amount to one-third or more of the whole number of members, or when it is deemed necessary by the city assembly, by the city council or by the Fu or Ken Chiji, an election for substitutional members shall be held, without awaiting the ordinary election.

A substitutional member shall retain his membership up to the end of the term of the membership of him whom he has replaced.

Ordinary and substitutionary elections shall be held by the same class and the same district by and from which the members to be replaced have been elected.

XVIII. Sixty days previous to an election the Shichō shall make out an original register of electors, describing their qualifications, and out of the original register shall draw up lists of electors. When the city is divided into two or more electoral districts original registers and lists shall be separately made out for each district.

The lists shall be exhibited for the public inspection of interested persons, for seven days, at the Shichō's office, or in other suitable public places in the locality. When any interested person wishes to make a complaint about the lists, he may do

so during the above mentioned period to the Shichō. The Shichō in accordance with the decision of the city assembly (Article XXXV., 1) shall revise the lists, if it is necessary, ten days before the election and make them the final lists. No person whose name is not on the final lists may take part in the election.

The final lists made out according to this Article shall also be used in case a new election is necessary on account of refusal to serve as member by any one that has been elected, or in case an election is void or declared null.

XIX. When an election is to be held the Shichō shall issue a notification seven days before the election day, stating the time and place and the number of members to be elected by each class and from each district.

The election of the third class shall be held before that of the second and the first classes, and that of the second class before that of the first class.

XX. Election officers shall consist of either two or four persons, as honorary officers, chosen for the purpose by the Shichō from among the electors, and of the Shichō or his deputy, as Chairman, who shall open and close the election meeting, and shall keep order in the polling station. When two or more electoral districts are formed, there shall be such election officers for each district.

XXI. No one but the electors may enter the polling station during the election hours. Electors may not consult together or make suggestions to one another in that room.

XXII. The elections shall be made by ballots on which shall be inscribed the names of those for whom the vote is cast, and, after having been safeguarded in a folded paper (*fūsin*), shall be handed to the Chairman by the electors themselves; the names of the electors shall not be inscribed.

When the electors hand in their ballots, they shall orally give their full names and places of residence, and the Chairman, after having referred such names and places to the lists shall

put the ballots unopened into a ballot-box. The ballot-box may not be opened until the polling is closed.

XXIII. A ballot containing a greater or smaller number of names than the one required shall not be void on that account. In the first case, the redundant names shall be rejected in order beginning with the one at the bottom.

The following ballots shall be void :—

1. Those containing no name at all or those containing any illegible names, so far as those names are concerned.
2. Those by which the persons voted for cannot be identified, so far as those persons are concerned.
3. Those containing the names of persons who are not eligible, so far as those names are concerned.
4. Those mentioning any matter other than the designation of the persons voted for.

The question whether any particular votes shall or shall not be received and also the question as to the validity or nullity of a vote shall be provisionally decided by the officers, and in case of an equality of votes, they shall be decided by the Chairman.

XXIV. Voting shall be done in person; votes by proxy are not allowed.

Electors entitled to the suffrage by virtue of Article XII., 2, may vote by proxy and in case any of them is not an independent male or is a company or some other juristic person, then the voting must be by proxy. Such proxy must be a Japanese subject, being an independent male person, and in the enjoyment of civil rights. One and the same person, however, may not be a proxy for more than one person, and every proxy must show his authority of proxy to the election officers.

XXV. Those obtaining the greatest number of valid votes shall be declared elected. In case of a tie, seniority of age shall determine, and when it cannot be so determined, it shall be determined by lot drawn by the Chairman.

Where more than one substitutional member is elected (Article XVII), the one who obtains the largest number of votes



shall be the one to take the place of that replaced member whose remaining term of membership is the longest. In case of a tie the order shall be determined by lot.

XXVI. Election officers shall keep minutes of an election which shall contain the details of the election operations. These minutes having been read aloud at the end of the election shall be signed by the election officers and attached to the lists of electors.

The ballots cast shall be attached to the minutes and preserved until the completion of the election.

XXVII. When an election is over the Chairman shall give to the persons elected notice of their election. Persons who decline such election shall notify the Shichō within five days at the latest from time of notice of such election.

Any one who has been elected for more than one electoral district or by more than one class of electors, shall notify the Shichō within the same period, which election he will accept. Should he give no notice, he shall be considered as having declined all, and shall be dealt with in accordance with Article VIII.

XXVIII. When an elector wishes to make any complaint as to the validity of the election proceedings, he shall do so to the Shichō within seven days from the time of the election (Article XXXV., 1).

When an election is over the Shichō shall make a report thereof of the Fu or Ken Chiji, and should the Chiji entertain any objection to the validity of the election based upon serious grounds, he may, irrespective of any complaint, submit the case to the decision of the Fu or Ken Council, and it shall be disposed of in accordance with such decision.

When there has been any essential irregularity in election proceedings, such election shall be declared altogether null and void, and when any person who has been elected is found to be without qualifications his election shall be void. In either of these cases a new election shall be held.

XXIX. When a person declared elected is afterwards discovered to be without the requisite qualifications or has subsequently lost them, his election shall become void. The question whether such qualifications are wanting or not shall be decided by the city assembly.

#### CHAPTER 2.—OF COMPETENCY AND BUSINESS.

XXX. The assembly of a city shall represent the city and decide on all subjects relating to the city affairs in conformity with the provisions of this law, and also on those matters which have already been entrusted to its management or which may hereafter be so entrusted by laws or Imperial ordinances.

XXXI. The matters that are to be decided by a city assembly are principally as follows :—

1. The making and altering of city by-laws and regulations.

2. Affairs the expenses of which are to be defrayed out of the city revenues, with the exception of those mentioned in Article LXXIV.

3. The determining of the budget of the city as well as the approving of an outlay not included in the budget or of one exceeding the estimate.

4. The giving discharge to the annual accounts of the receipts and expenditure.

5. The determining of the modes of imposing and of collecting duties for use (*shiyoryo*), fees, city taxes, and services in person or in kind, so far as not determined by-laws or Imperial ordinances.

6. Alienation, purchase, exchange, or mortgage of the immovable property of the city.

7. Matters relating to the disposition of the stock property.

8. The incurring of a new liability or the relinquishment of an acquired right, so far as it has not already been determined by the budget.

9. The determining of the modes of management of the city property and establishments.

10. Requisition of security from city officials, as well as determination of its amount.

11. Entering in to a law-suit or in to an arbitration concerning the city.

XXXII. The city assembly shall elect the city officials within its competency by virtue of laws or Imperial ordinances.

XXXIII. The city assembly shall be competent to examine papers and accounts relating to the city affairs and to demand reports from the Shichō, in order to ascertain whether the management of affairs, the execution of the decisions of the assembly, and the collection and the application of the revenue are properly carried out.

The city assembly may present to the superintending authority memorials on matters concerning the public interest of the city.

XXXIV. The city assembly shall present its views on any subject when such views are asked for by the government authorities.

XXXV. The city assembly shall also decide all complaints brought before it relating to the question as to whether or not any particular person possesses the right of a resident or of a citizen in the city or the qualifications of the elector or for eligibility, as to the correctness or incorrectness of electoral lists or of the formation of the electoral classes, as to the right of voting by proxy (Article XII. 2), and also as to the validity of any election of the members of the assembly (Article XXVIII.)

Against any such decision of the city assembly, a complaint may be made to the Fu or Ken Council, and against the decision of the latter, an action may be brought in the Administrative Court.

With regard to the matters mentioned in this Article the Shichō also may enter a complaint or bring an action.

No complaint or action shall have a suspensive effect. No new election, however, may be held before there is a final decision.

XXXVI. No member of a city assembly may bind himself by the direction or request of any of his constituents.



XXXVII. The city assembly shall annually elect for the year from amongst its own members at the beginning of each calendar year a President and Vice-President.

XXXVIII. When the matter of any question before the city assembly relates personally to the President himself, or to his parents, his brothers, his wife, or his children, the President shall be deemed as prevented from taking the chair, and the Vice-President shall act in his place.

When both the President and Vice-President are prevented from presiding, the senior member in point of age shall act as president.

XXXIX. The members of a city council may be present in the city assembly and give explanations on matters under consideration in the assembly.

XL. The city assembly shall be convoked by its President whenever there is any necessity for its meeting. It shall also be convoked when it is demanded by a fourth or more of its members, by the Shichō, or by the city council. The notification of convocation and the subjects to be deliberated upon, shall be announced at least three days beforehand, except when the case demands urgency. The city assembly may, by its decision, fix beforehand its regular days of meeting.

The above provisions shall also apply to the invitation of members of the city council to the meetings of the city assembly.

XLI. The quorum of a city assembly shall be two-thirds of the members. An exception to this shall be where the members have been convoked a second time in regard to one and the same subject, and yet the requisite number of members has not appeared.

XLII. The decision of the city assembly shall be determined by a majority of votes. In case of an equality of votes, the matter shall be debated and voted upon a second time. Should the votes still be equally divided the President shall decide.

XLIII. No member may participate in deciding a question in the city assembly, on a matter personally concerning himself, his parents, his brothers, his wife, or his children.

In a case where it happens that the assembly is unable to obtain a quorum, on account of the exclusion of several members in the above manner, the Fu or Ken Council shall decide upon the matter in question for the city assembly.

XLIV. The election of the city officials to be elected by the city assembly, shall be made by secret ballot separately and severally for every such official, and whoever obtains more than half of the numbers of valid votes shall be declared elected. In case no one obtains such requisite number of votes, a new ballot shall be taken for the two individuals among them that have obtained the highest number of votes; and when three or more persons obtain the highest, but an equal number of such votes, a new ballot of two of them determined by lot drawn by the President, shall be taken. When in either of these cases, neither of the two obtains a majority of votes, it shall be decided by lot. As to other details, Articles XXII., XXIII., and XXIV., 1, shall apply.

For the election mentioned in this Article, an election by nomination may be substituted upon the decision of the city assembly.

XLV. The sittings of city assemblies shall be public, but strangers may be excluded when it is deemed desirable by the President.

XLVI. The President shall allot assembly works to the members, shall superintend meetings and elections, shall open, adjourn, and close the sitting and keep order in the assembly chamber. He may cause any stranger who openly signifies his assent or dissent, or who is in any way disorderly to retire from the chamber.

XLVII. The city assembly shall cause its clerks to keep minutes wherein shall be recorded the decisions, the results of elections held therein, and the names of the members present.

Such minutes shall be read aloud at the end of the sitting, and shall be signed by the president and at least two of the members present.

The decisions of the city assembly shall be reported to the Shichō together with a copy or the original of the minutes.

The clerks of the city assembly shall be appointed by it.

XLVIII. The city assembly shall provide itself with business regulations; such regulations may contain provisions for penalties, not exceeding two *yen*, to be inflicted upon members who may infringe the same.

### TITLE III.—OF THE CITY ADMINISTRATION.

#### CHAPTER I.—OF THE CONSTITUTION AND APPOINTMENT OF THE CITY COUNCIL AND OFFICIALS.

XLIX. There shall be a council in every city that shall consist of the following members:—

1. A Shichō (Mayor).
2. Assistants; three in Tōkyō, two in Kyōto and Ōsaka, and one in all other cities.
3. Honorary councilmen, twelve in Tōkyō, nine in Kyōto and Ōsaka, and six in all other cities.

The number of assistants and of honorary councilmen, may be varied by city by-laws.

L. The Shichō shall be a salaried official, and his term of office shall be six years. For the Shichō, the Minister of State for Home Affairs shall cause the city assembly to propose three candidates, of whom he shall make his representations to His Majesty the Emperor, and ask his pleasure in regard to the selection of one of them. If he is unable to obtain the Imperial approval of any of them, he shall cause the assembly to make another proposal of candidates. If he is still unable to obtain the Imperial approval, he shall, until he causes the city assembly to make a further proposal of candidates and obtain the Imperial approval of one of them, either appoint a deputy *pro tempore*, or despatch a government official at the expense of the city for discharging the Shichō's duties.



LI. The assistants and the honorary councilmen shall be elected by the city assembly. The election shall be carried on in conformity with Article XLIV, with this exception, that in case of a tie, the selection shall be made by the Fu or Ken Council and not by lot.

LII. The assistants shall be salaried officials and their term of office shall be six years.

The elections of assistants shall be approved by the Fu or Ken Chiji, and when such approval is withheld with regard to any assistant, a new election shall be held. When this second election does not receive approval, the Fu or Ken Chiji may himself either appoint a deputy assistant *pro tempore*, or despatch at the expense of the city a government official for discharging the duty of the assistant, until a new election receives approval.

LIII. It is not essential that the Shichō or the assistants be citizens of the city, but they shall be entitled to citizenship when they are appointed to the office.

LIV. The honorary councilmen shall be elected from amongst those citizens of the city that are thirty years old or over, possessing the suffrage. Their term of office shall be four years, but they shall remain in office even after the completion of their terms, until their successors enter upon the office.

One-half of the honorary councilmen shall be renewed every two years. When their number is indivisible into two equal parts, the greater half shall be renewed first. The councilmen to go out of office first shall be determined by lot. Any outgoing councilmen are re-eligible.

When any vacancy occurs among the honorary councilmen in the meantime, an election for a substitutional councilman for the remainder of the term shall at once be held.

LV. The offices of the Shichō, the assistants, and of the other members of the council are incompatible with the offices mentioned in the second paragraph of Article XV; and the persons mentioned in the fourth paragraph of the same Article may not be elected honorary councilmen.

Persons having the relationship to each other of father and son or of brother may not both be members of the council at one and the same, and when any one bearing such relationship to a member is made Shichō such member shall have to resign his membership. As to what remains Article XV. paragraph 5 shall apply.

The Shichō and any assistant may resign office by giving notice to that effect, three months beforehand ; but by so doing all claim to pension shall be lost to them.

LVI. Neither the Shichō nor any assistant may hold a salaried office of any other kind, or become a director of a joint stock company, or hold any important position therein ; and with regard to other kinds of commercial or industrial occupations, neither of them may carry one on without having received permission from the Fu or Ken Chiji.

LVII. The city council shall decide upon the validity or invalidity of the election of the honorary councilmen.

When it is discovered that a person already elected did not possess the requisite qualifications, or when he has lost them after he has entered upon office, his election shall become void. The question as to such qualifications shall be decided by the city council. Against such decision a complaint may be made to the Fu or Ken Council, and against the decision of the latter an action may be brought in the Administrative Court. As to what remains the last paragraph of Article XXXV. shall apply.

LVIII. There shall be a treasurer in every city, who shall be appointed by the city assembly on the proposal of the city council.

The treasurer may not at one and the same time be also a member of the city council.

The appointment of the treasurer requires the approval of the Fu or Ken Chiji. As to what remains, Articles LI, LII, LIII, LV, and LXXVI shall apply.

The treasurer shall furnish security.

LIX. There shall be clerks and other necessary supplementary employes and servants in every city, to whom suitable

salaries shall be given. The number of such persons shall be determined by a decision of the city assembly, and their appointment shall be made by the city council.

LX. A city may be by a decision of the council divided for convenience of administration into several districts, each having a Kuchō and a deputy. The Kuchō and his deputy shall be honorary officials, except in Tōkyō, Kyōto, and Ōsaka, where they may be made salaried officials.

The Kuchō and his deputy shall be elected by the city assembly from amongst the citizens belonging to that particular district or to neighbouring ones, and who possess the suffrage. When there is a separate assembly for such district (Article CXIII), the Kuchō and the deputy shall be elected by that assembly, except in Tōkyō, Kyōto, and Ōsaka where they shall be appointed by the city council.

In Tōkyō, Kyōto, and Ōsaka, there may be appointed supplementary employes and servants for a district in conformity with the preceding Article.

LXI. A city may, upon a decision of the city assembly, institute temporary or permanent committees. Their functions shall be honorary.

Committees may either be composed of members of the council, or of those of the assembly, or of members of both of these and citizens having the suffrage; a member of the council shall be chairman of any such committee.

The members of a committee taken from amongst the members of the assembly, shall be elected by the assembly, and those taken from amongst the citizens, by the council; the remainder shall be appointed by the Shichō.

With regard to the composition of permanent committees special provisions may be made by city by-laws.

LXII. The Kuchō and the members of a committee may, by a decision of the city assembly, be allowed remuneration suitable to their trouble, besides compensation for the actual expenses needed for the discharge of their duties.



LXIII. The city officials may be re-elected upon the completion of their term of office.

The city officials and servants may be discharged at any time unless there exist special provisions or a contract to the contrary.

CHAPTER 2.—OF THE COMPETENCY AND BUSINESS OF THE  
CITY COUNCIL AND OFFICIALS.

LXIV. The city council shall be the local authority of the city and shall carry on the administration thereof. The principal affairs to be undertaken by the city council are as follows:—

1. The preparation of subjects for deliberation in the city assembly, and the execution of the decisions of the assembly. When it appears that any decision of the assembly exceeds its competency, or is in conflict with laws or ordinances, or is prejudicial to the public good, the council shall, upon their own judgment or by instruction of the superintending authority, suspend the execution of such decision, explaining the reason therefor, and cause the matter to be discussed a second time. If the assembly does not change its decision, the council shall apply for the ruling of the Fu or Ken Council. When the suspension is on account of a decision of the assembly exceeding its competency or on account of conflict with laws or Imperial ordinances, an action may be brought in the Administrative Court against the ruling of the Fu or Ken Council.

2. The management of the establishment of the city, and superintendence of the management of such establishments when there are special managers thereof.

3. The administration of the city revenue, the ordering of receipts and of payments fixed in the budget or by special decision of the assembly, and the superintendence of the management of the treasury and accounts.

4. Looking after the rights of the city and the administration of its property.

5. Superintendence over the city officials and servants, and exercising disciplinary authority over them, the Shichō excepted. Disciplinary penalties shall consist of reprimands and of fines not exceeding ten *yen*.

6. The custody of all papers and documents.

7. Representation of the city as against outsiders, especi-

ally in lawsuits, or in arbitrations, and communications with other authorities or private individuals, in the name of the city.

8. Imposing and collecting duties for use, fees, city taxes, as well as services in person or in kind, in accordance with laws or Imperial ordinances or with decisions of the city assembly.

9. The carrying out of all other affairs entrusted to the council by laws and ordinances, or by the instructions of the superior authority.

LXV. The quorum of the city council shall consist of the chairman or his deputy and of one third of the whole number of honorary councilmen.

A decision of the council shall be determined by a majority of votes, and in case of an equality of votes the chairman shall decide.

Matters decided upon shall be recorded in the minute book.

When it appears that any decision of the council exceeds its competency, or is in conflict with law or ordinances, or is prejudicial to the public good, the Shichō shall, upon his own judgment, or by instruction of the superintending authorities, suspend the execution of the decision, explaining the reason therefor, and shall apply for the ruling of the Fu or Ken Council. When the suspension is on account of a decision exceeding its competency or on account of conflict with laws or Imperial ordinances, an action may be brought in the Administrative Court against the ruling of the Fu or Ken Council.

LXVI. The provision described in Article XLIII. shall also apply to the city council. When the council is unable to obtain a quorum on account of this provision, the city assembly shall decide for the council.

LXVII. The Shichō shall direct and superintend all the administrative affairs of the city and shall do his best for prompt despatch of business.

The Shichō shall convoke the meetings of the council and shall be the chairman thereof. When the Shichō is prevented from taking the chair by any cause, his place shall be taken by his deputy.

The Shichō shall prepare the subjects of deliberation for the council, shall execute its decisions, and shall hold and sign correspondence in the name of the council.

LXVIII. When any question which belongs to the competency of the council requires an urgent settlement, so that there is no time for convoking a meeting of the council, the Shichō may decide and settle it upon his own judgment, and make a report thereon at the next sitting of the council.

LXIX. The members of the council shall assist in the business of the Shichō, and shall act for and represent him when he is prevented from discharging his duties from any cause.

The Shichō may with the consent of the city assembly, entrust the members of the council with the administration of some particular branch of the city administration. In such cases honorary councilmen may receive remuneration suitable to their trouble, besides compensation for the actual expenses needed for the discharge of duties.

Special duties, if any, of the assistants and of the honorary councilmen and the order in which members shall act for and represent the Shichō, shall be regulated by a city by-law. In the absence of such regulations, the Shichō shall be represented by the members of the council, in the order which shall be determined by Fu or Ken Chiji.

LXX. The treasurer shall manage the receipts and expenditure and the accounts of the city.

LXXI. The clerks shall be subordinate to the Shichō and shall discharge the office business allotted to them.

LXXII. The Kuchō and his deputy (Article LX) shall, as the organ of the council, receive and carry out its orders and directions, and assist in the execution of the administrative affairs of the city relating to the district.

LXXIII. Committees (Article LXI) shall be subordinate to the council and shall either take charge of some special branches of the city administration or some establishments of the city, or take charge of any affairs temporarily entrusted to them.



The Shichō may sit and take the chair at any time, with full right of voting in the meetings of the committees. With regard to the competency of a permanent committee, special provisions may be made by a city by-law.

LXXIV. The Shichō shall also discharge the following duties in conformity with laws and ordinances :—

1. Where there is no special office established for discharging the duties of the local police ; (1) duties incumbent upon him as an auxiliary officer of the judicial police, and (2) duties of local police affairs incumbent upon him by virtue of laws or ordinances.

2. The business of a wreck office.

3. The administrative affairs of the Fu or Ken, and those in general of the Central Government, relating to the locality, in so far as no special officials are appointed for the affairs.

Any of the affairs mentioned in the preceding three headings may, by permission of the superintending authority, be entrusted to another member of the council.

Expenses requisite for the conduct of the affairs mentioned in this Article shall be borne by the city.

#### CHAPTER 3.—OF SALARIES AND ALLOWANCES.

LXV. Honorary functionaries may only receive compensation for the actual expenses needed for the discharge of their duties, unless there are special provisions prescribed in this law.

The amount of compensations and of remunerations where they are allowed shall be determined by the city assembly.

LXXVI. The amount of salary to be paid to the Shichō, to the assistants, and to other salaried officials as well as to servants, shall be fixed by the decision of the city assembly.

The fixing of the salary of the Shichō requires the approval of the Minister of State for Home Affairs. When he sees reason for not giving such approval, he may fix the amount himself.

The fixing of the salaries of assistants requires the approval of the Fu or Ken Chiji. When he sees reason for not giving such approval, he shall cause it to be fixed by the Fu or Ken Council;

The amount of salary to be paid to the Shichō, to the assistants, and to other paid officials, may be regulated by a city by-law.

LXXVII. Provision may be made by a city bye-law for pensions to be given to the Shichō and other salaried officials.

LXXVIII. Disputes about the salaries and pensions of paid officials and about the allowances mentioned in Art. LXXV. shall be decided by the Fu or Ken Council on application of the interested party. Against such decision an action may be brought in the Administrative Court.

LXXIX. When anyone in receipt of a pension obtains an appointment in government service or in a fu, gun, city, town, or village, or in any public corporation, whereby he becomes the recipient of a salary, such pension shall be suspended while he receives such salary; and when he becomes entitled to a new pension, the amount of which is equal to or greater than that of the former one, his right to the latter shall become extinct.

LXXX. Salaries, pensions, remuneration, and compensations shall be a burden upon the city.

#### TITLE IV.—OF MANAGEMENT OF CITY PROPERTY.

##### CHAPTER I.—OF CITY PROPERTY AND CITY TAXES.

LXXXI. The city is bound to keep and maintain as "Stock Property" its immovable property, its capitalized money, its stored-up grain, &c.

Extraordinary receipts of money or grain shall be added to the property, excepting donations or the like given for some special purposes.

LXXXII. The city property shall be managed and made use of for the common benefit of the city, excepting where there exists any special title founded on the civil law.

LXXXIII. Where residents of a city are entitled by any old custom to the direct use of lands or other objects belonging

to the city, such custom shall not be altered except upon a decision of the city assembly.

LXXXIV. Admission to the use of any land or other object belonging to the city, may be made, by a city by-law, dependent upon the payment of an annual duty for use (*shiyoryo*) or of an entrance fee or of both of them. Any enjoyment of special rights by virtue of the civil law shall not come under this rule.

LXXXV. Persons entitled to the use of any such land or object (Articles LXXXIII. and LXXXIV.) shall have to bear the necessary expenses required for the land or the object in use, in proportion to their share in the use.

LXXXVI. The city assembly may, in case it is necessary for the common good of the city, withdraw or restrict any right of use (Articles LXXXIII. and LXXXIV.) excepting where such rights rest on the civil law.

LXXXVII. All the selling or letting of the city property as well as all contracts for buildings and purveyances shall be made by way of public competition. A deviation is only permissible in cases of special urgency, or when the cost would be out of proportion to the advantages to be derived therefrom, or when special approval is obtained from the city assembly.

LXXXVIII. The city is bound to bear its own necessary expenditure as well as those which are already imposed upon it by laws or ordinances or which may be imposed in future by laws or Imperial ordinances.

When the revenue arising from the property, duties for use fees (Article LXXXIX), fines, penalties, and other kinds of income belonging to a city by virtue of laws or Imperial ordinances does not cover the expenditure of the city, it may impose and collect city taxes (Article XC) and services in person or in kind (Article CI).

§ LXXXIX. The city may impose and collect duties or the use of its property and establishments and fees for anything done specially for the benefit of some individuals.



XC. As city taxes may be imposed :—

1. Additional percentages upon national and Fu or Ken taxes.
2. Special direct or indirect taxes.

Additional percentages shall be imposed as a rule to direct national, Fu or Ken taxes on the whole extent of the city, and at a uniform rate. Special taxes may be imposed only when, besides the additional percentages, some further tax is required by a city.

XCI. So far as no express provisions are prescribed in this law, minute regulations relating to duties for use and fees (Article LXXXIX), special taxes (Article IX. par. 1, heading 2), and Ku, Cho, or Son rates hitherto existing, shall be provided for by a city by-law. In such by-law the imposition of a penalty not exceeding one *yen* and ninety-five *sen* may be provided.

The imposition and collection of these penalties shall be the duty of the council. Against an imposition of such penalty an action may be brought in a court of law, within fourteen days from the time when sentence of penalty is served.

XCII. All those who shall sojourn in a city for a period of three months or over, shall be liable to the payment of city taxes, and that liability shall commence from the beginning of such sojourn.

XCIII. Persons who have no residence in a city and who do not sojourn therein for a period of three months, but own lands or houses in the city or carry on some trade therein (excepting pedlars and hawkers), shall be subjected to the city tax imposed with respect to those lands, houses, trades, and incomes derived therefrom. The case shall be the same with regard to juristic persons, the government postal, telegraph, and railway services excepted.

XCIV. When additional percentages are imposed on income taxes, or city income taxes are specially levied in and for the city, the amount of income derived by persons subjected to such taxes, from lands, houses, or trades (pedlars and

hawkers excepted) owned or carried on without the city, shall be deducted from the aggregate amount of their incomes.

XCV. When a person possessing residences or places of sojourn in several cities, towns or villages is subjected to the city taxes mentioned in the preceding Article, the amount of his income that arises from other sources than lands, homes, or trades, shall be divided into equal parts, according to the number of cities, towns, or villages, and only one part thereof may be made subject to such taxes in one place.

XCVI. Incomes mentioned in Article III. of the Income Tax Regulations shall be exempted from city taxes.

XCVII. The following shall be exempted from city taxes :—

1. Grounds, establishments, and buildings used for direct public purposes and belonging to the state, to a fu, ken, gun, city, town, or village, and other public corporations.

2. Shintō and Buddhist temples, government or public schools and hospitals; grounds, establishments, buildings, devoted to scientific, artistic, or charitable purposes.

3. Forests and waste lands belonging to the state, except in cases where any work is undertaken benefitting such forests or lands, and when, to cover the expense incurred for such work, assessments are made thereon by permission of the Minister of State for Home Affairs and of the Minister of State for Finance.

Newly cultivated or reclaimed lands may be exempted from city taxes for a certain length of time by a city by-law.

XCVIII. Other objects besides those mentioned in the preceding two Articles, that are to be exempted from city taxes, shall be determined by special laws or Imperial ordinances. With regard to city taxes to be imposed on members of the Imperial family, they shall remain as they are at present until they are regulated by further laws or Imperial ordinances.

XCIX. When in the city there is an establishment which may solely benefit some particular individuals, expenses of its repairs or maintenance shall be borne by such interested individuals.

When an establishment is kept up for the sole benefit of a particular district in a city, the expenses of its repairs and maintenance shall be borne by those that are resident or sojourning in the district or that own lands or houses or carry on a trade therein (excepting pedlars and hawkers). Should there be property owned by that district, the income derived therefrom shall be applied first to the defraying of the expenses.

C. City taxes shall be imposed in monthly apportionment from the beginning of the month following the one in which the liability for them arises, to the end of the month in which it ceases.

When in the course of a financial year, any one becomes free from liability to payment of taxes or such liability undergoes a change, notification thereof shall be made by him to the *Shichō*. Up to the end of the month in which such notification is given the same taxes may be levied as in the past.

CI. For public works of a city, or for the maintenance of the public peace and order, services in person or in kind may be imposed on the tax payers. No personal service of a scientific or professional nature may be imposed.

Except in urgent cases, services in person or in kind shall be imposed in proportion to the amount of direct city taxes, and their money value shall be estimated beforehand.

Individuals liable to personal service may perform the same, either in their own persons or by suitable substitutes, at their own convenience, and excepting in cases of urgent necessity they may compound them by a payment of their money value.

CII. When any person does not pay in due time his duty for use or fees (Article XCVIII.), his city taxes (Article XC.), the money value for service (Article CI.), duties for use or entrance fees in regard to the common property of the city (Article LXXXIV), or any other city dues, the city council shall call upon him to pay and in case he still fails to do so he shall be dealt with in accordance with the regulations for



the treatment of non-payers of national taxes. For sending such call a fee may be exacted by virtue of a city by-law.

In regard to persons in extreme need, the city council may, at its discretion, grant a delay of payment of dues, so long as such delay does not extend beyond the period of the current financial year. When it does extend beyond such period the decision of the city assembly must be taken.

With regard to the collection of arrears, to the prescriptions and to the privileges of priority, the provisions concerning national taxes shall apply.

CIII. Additional percentages on land taxes shall be imposed on the payers of the land taxes. Other city taxes imposed on lands may be imposed either on the owners or the occupiers thereof.

CIV. Complaints in regard to imposition of city taxes shall be brought before the council within three months from the time of service of the writ of imposition; when this period elapses without any complaint, all right to demand reduction, exemption, or refunding of taxes for the current financial year, shall be lost.

CV. Complaints concerning the imposition of city taxes and the right to the use of an establishment or of common property of a city, or of the benefits arising therefrom, shall be decided by the city council, excepting when the disputed right in question is founded on civil law.

Against the above decision a complaint may be made to the Fu or Ken Council, and against the decision of the latter an action may be brought in the Administrative Court.

The complaints or actions mentioned in this Article shall have no suspending effect.

CVI. The raising of loans in a city shall be limited to cases when it is for the repayment of the principal of an old loan or when an extraordinary outlay is required on account of an act of nature or of a calamity, or such like, or of some matter of permanent benefit to the city, and yet no augmentat-

ion of the ordinary revenue can be made without inflicting an excessive burden on the residents.

When the raising of a loan is decided upon by a city assembly it shall also predetermine the mode of raising it, the rate of interest to be paid and the method of repayment. The first instalment of such repayment shall be made within three years, and there shall be a fixed proportion of annual instalment of repayment, so that the whole shall be paid off within thirty years from the raising thereof.

Temporary loans necessary for meeting outlays, the estimates for which are contained in the budget, shall not come under the restrictions of this Article, provided such loans are repaid out of the income of the current financial year; for such cases, no decision of the city assembly is required.

#### CHAPTER 2.—OF THE ESTIMATES AND ACCOUNTS OF THE REVENUE AND EXPENDITURE OF THE CITY.

CVII. The city council estimating, as far as possible, the probable amount of revenue and of expenditure of the city for the next financial year, shall make a draft of the budget for the year two months in advance. The financial year shall be the same as that of the state.

The Minister of State for Home Affairs may fix the form of such budget by a departmental ordinance.

CVIII. The draft of the budget shall be submitted to the deliberation of the city assembly before the beginning of the financial year, and when it is finally settled, it shall be reported to the Fu or Ken Chiji, and the important points therein shall be notified to the public, according to the customary mode of publication of official documents in the locality.

When the draft of a budget is introduced into the city assembly, it shall be accompanied by a report of the city council on the general transactions of the city, and by an inventory of the city property.

CIX. Expenditures not contained in the budget or that

exceed the estimates in the budget, can be defrayed only upon approval of the assembly.

In every budget there may be provided the "contingencies fund" (yobihi) for meeting any unexpected expenditures and it may be applied by the council without previous approval of the assembly to expenses not mentioned in the budget, or to those exceeding the budget estimates. Such funds, however, may not be applied to any expenses expressly negatived by the assembly.

CX. When a budget is determined by the assembly a copy thereof shall be transmitted by the Shichō to the treasurer of the city. When in a budget there is any matter requiring the authorisation of the superintending authority or of the council (Articles CXXI-CXXIII.), such authorisation shall be obtained beforehand.

The treasurer may make no payment without an order of the council (Article LXIV. heading 3) or of the superintending authority, and even when he receives such an order from the council, he may make no payment which is not provided for in the budget or when such order is not in accordance with the provisions of the preceding Article.\*

The treasurer shall be responsible for all payments made by him in contravention of the preceding paragraph.

CXI. The treasury of the city shall be examined monthly on a fixed day, and a special examination shall be made at least once a year. The monthly examination shall be made by the Shichō or his deputy, and the special by the Shichō or his deputy with the assistance of one or more members of the assembly chosen for the purpose by election by the members of the assembly.

CXII. The annual accounts shall be made up within three months from the end of the financial year, and shall together with papers and documents be presented by the treasurer to the council, who after examining the same shall submit it with its own observations thereon, to the approval of the Assembly. The decision of the assembly shall be reported by the Shichō to the Fu or Ken Chiji.



Audit of accounts shall be considered a case of hindrance for the members of the council in the sense of Articles XXXVIII and XLIII.

TITLE V.—OF THE ADMINISTRATION OF DISTRICTS  
POSSESSING SEPARATE PROPERTY.

CXIII. When a district in a city possesses any separate property or establishment of its own, and bears the expenses entailed by it (Article XCIX), the city assembly may issue a by-law and institute a *ku* assembly for affairs relating to the aforesaid property or establishment. In such case the provisions for the city assembly shall apply to such *ku* assembly.

CXIV. The administration of the affairs mentioned in the preceding Article shall be carried on by the city council in conformity with the provisions for city administration, but with a separate treasury and account.

TITLE VI.—OF THE SUPERINTENDENCE OF THE  
ADMINISTRATION OF CITIES.

CXV. The administration of the cities shall be superintended by the *Fu* and *Ken Chiji* in the first instance and by the Minister of State for Home Affairs in the second, with the reservation of cases, where the coöperation of the *Fu* or *Ken* Council is required by virtue of law.

CXVI. Excepting in cases where it is provided otherwise in this law, a complaint against any measure or decision, relating to the administrative affairs of a city, taken or made by the *Fu* or *Ken Chiji* or by the *Fu* or *Ken* Council, may be brought before the Minister of State for Home Affairs.

Complaints relating to the administrative affairs of a city, shall be presented, together with reasons justifying the same, within fourteen days from the day on which the decree of the decision has been served or otherwise notified, except in cases where some special limitation of time is prescribed in this law. Actions to be brought by virtue of this law in the Administrative Court against any *Fu* or *Ken Chiji* or the *Fu* or *Ken*

Council shall be limited to twenty-one days from the day on which the decision has been served or otherwise notified.

In all cases where a decision is given in the Administrative Court, no complaint touching the same matter may be laid before the Minister of State for Home Affairs.

When complaint is laid or an action is brought in regard to a measure or to a decision, the execution of the same shall be suspended, except where there are special provisions in this law to the contrary, or where such suspension shall be deemed by the competent authority prejudicial to the common good of the city.

CXVII. The superintending authorities shall look after the administration of the city, to see that it does not infringe any law or ordinance, or that there is no irregularity or delay in the transaction of its business. To this end the superintending authorities may demand reports on any administrative affairs, and the production of papers and documents relating to budgets and accounts, and the like; they may also examine the state of affairs and the treasury by visiting the actual spot.

CXVIII. When a city does not include in its budget an expenditure burdened upon it by law or Imperial ordinance, or that has been ordered by the competent authorities, or when it does not approve or actually supply funds for an extraordinary expenditure, the Fu or Ken Chiji may, upon statement of his reason for so doing, embody the amount of such expenditure in the budget or order payment of the same.

Against a measure taken by the Fu or Ken Chiji in pursuance of the preceding paragraph, an action may be brought in the Administrative Court by the city.

CXIX. When a city assembly or city council does not render a decision upon any matter which it ought to decide, the Fu or Ken Council shall do so in its stead.

CXX. The Minister of State for Home Affairs may dissolve the city assembly. When the city assembly is dissolved, it shall be simultaneously ordered that a new election shall be held within three months. Until the newly elected

assembly meets all matters to be decided by the city assembly shall be decided by the Fu or Ken Council in its stead.

CXXI. The decision of the city assembly relating to the following matters requires the approval of the Minister of State for Home Affairs :—

1. Issuing or altering by-laws.
2. The alienation, mortgaging, exchanging, or any significant alterations of objects valuable from a scientific or historical point of view.

With regard to matters mentioned under the first heading, approval shall be given only after an Imperial decision is previously obtained in the matter.

CXXII. A decision of the city assembly, relating to the following matters, requires the approval of the Minister of State for Home Affairs and of the Minister of State for Finance :—

1. The raising of new loans or the increasing of loans ; or when it is necessary to deviate from the provisions of Article CVI., par. 2. Loans, the terms of the repayment of which is within three years, shall not come under the limitation of this Article.
2. Introducing a new city special tax, duty for use or a fee, or raising the amount thereof, or any other essential alteration of the same.
3. Imposition of additional percentages exceeding one-seventh of the land tax, or fifty per cent. of other direct national taxes.
4. Imposition of additional percentages on indirect national taxes.
5. Determining the sum of expenditure toward which a certain proportional subsidy is given by the Government, in accordance with laws or Imperial ordinances.

CXXIII. A decision of the city assembly relating to the following matters requires the approval of the Fu or Ken Council :—

1. The making or altering of regulations relating to the establishments of the city.
2. Measures to be taken with regard to stock property (Article LXXXI).



3. Alienation or mortgage of immovable city property.
4. Charges in regard to the use of lands by individual residents (Article LXXXVI).
5. Giving security of any kind for another.
6. Entailing, for the next five years or more, upon the residents of the city, a new burden that does not arise from any obligation founded on laws or Imperial ordinances.
7. Imposition of additional percentages on national taxes or on Fu or Ken taxes otherwise than at uniform rates (Article XC, par. 2).
8. Imposition of expenses upon certain particular individuals, or particular district, in accordance with Article XCIX.
9. Imposition of services in person or in kind otherwise than at the rates prescribed in Article CI.

CXXIV. The Fu or Ken Chiji may exercise disciplinary authority over the Shichō, the assistants, the other members of the city council, the members of the committees, the Kochō, and other city officials. The penalty for such disciplinary measure shall consist of a reprimand, or of a fine not exceeding twenty-five *yen*.

Until a special disciplinary law for city officials is issued the disciplinary regulations for government civil officials shall be applied with the following modifications :—

1. Against a disciplinary measure taken by the city council (Article LXIV. par. 2, head. 5) a complaint may be laid before the Fu or Ken Chiji, and against the decision of the latter, an action may be brought in the Administrative Court.
2. Against a disciplinary measure taken by the Fu or Ken Chiji an action may be brought in the Administrative Court.
3. Any city official mentioned in the first paragraph of this Article who repeatedly or grossly violates his duty, or who is guilty of immoral or dishonorable conduct, or whose means are in a disorderly condition beyond the circumstances of his position, or who is unable to carry on his official business, may be dismissed from the service by a disciplinary sentence. Officials who may be discharged at

any time shall not be subjected to a disciplinary sentence (Article LXIII).

All those who are dismissed shall lose their claim to the pension, excepting in cases of incapacity without any fault on their part.

4. Examinations in disciplinary proceedings (par. 3) shall be undertaken by the Fu or Ken Chiji, and the sentence to be passed shall be decided on by the Fu or Ken Council. Against the decision of the latter an action may be brought in the Administrative Court. A decision involving the dismissal of the Shichō shall not be executed until after it has been first submitted to His Majesty the Emperor.

The superintending authority may order suspension from official duty of an official or stoppage of his salary before disciplinary sentence is finally passed.

CXXV. When any city official or servant has to indemnify the city on account of negligence of duty on his part or of exceeding his competency the matter shall be decided by the Fu or Ken Council. Against such decision an action may be brought in the Administrative Court within seven days from the day on which the decision is served, or otherwise notified. When such action is instituted the Fu or Ken Council may temporarily attach the property of the party bringing the action.

#### TITLE VII.—SUPPLEMENTARY PROVISIONS.

CXXVI. This law shall come into force from the first day of April, 1889, in the localities designated by the Minister of State for Home Affairs according to the local circumstances on the representation of the Fu or Ken Chiji.

CXXVII. Until the Fu or Ken Council and the Administrative Court are instituted, the official duties of the Fu or Ken Council shall be performed by the Fu or Ken Chiji, and those of the Administrative Court by the Cabinet.

CXXVIII. For the first elections, the official duties of the city council and the city assembly shall be executed by, and the matters left to city by-laws to be determined shall be determined by the Fu or Ken Chiji or other officials designated by them.

CXXIX. With regard to Shintō and Buddhist temple-associations and to all others of a religious nature, this law shall not apply, and existing provisions of law and local customs shall be left in their present state.

CXXX. The term "population" made use of in this law, shall always mean the number of souls according to the latest official enumeration thereof, with the exception of persons in actual military or naval service.

CXXXI. The classification of existing taxes into direct and indirect taxes in the sense of this law shall be notified by the Minister of State for Home Affairs and the Minister of State for Finance.

CXXXII. Imperial Ordinance No. 130, October, 1876, *i.e.*—Regulations for Public Works and for the Management of the Communal Property and Public Loans of Ku, Cho, or Son; the fourth clause of Imperial Ordinance No. 17, July, 1878, *i.e.* The Law of the Organisation of Gun, Ku, Cho, and Son; Imperial Ordinance No. 14, May, 1884, *i.e.*—The Law of the Ku, Cho, and Son Assemblies; Imperial Ordinance No. 15, May, 1884; Imperial Ordinance No. 23, July, 1884; Imperial Ordinance No. 25, August, 1885; and all other provisions of law or ordinances which are in conflict with this law shall be abrogated from the day on which the same shall come into force.

CXXXIII. The execution of this law is entrusted to the Minister of State for Home Affairs, who shall issue the ordinances and instructions necessary for the purpose.

*J.W.M.*, 1888, Aug. 11, pp. 133-38.



57. ORGANISATION<sup>1</sup> OF THE GOVERNMENT OF TOWNS (CHO)  
AND VILLAGES (SON).

(Law No. 1, April 14, 1888.)

TITLE I.—GENERAL PROVISIONS.

CHAPTER I.—OF TOWNS AND VILLAGES AND THEIR  
CIRCUMSCRIPTIONS.

I. This law shall apply to all towns and villages, excepting those where the Law for the Organization of Cities applies.

II. A town or village shall be considered a juristic person, and shall administer by itself its own affairs, subject to the supreme control of the Government.

III. The boundaries of a town or village shall remain as they are, so long as no alteration thereof is made in conformity with the provisions of the present law.

IV. When it is necessary to abolish or create a town or village, or amalgamate several of them into one or divide one into several, the Fu or Ken Council shall decide it, after consulting with the interested city, town or village assembly, and the Gun Council, and shall receive the approval of the Minister of State for Home Affairs.

When an alteration of the boundaries of a town or village is necessary, the Gun Council shall decide it, after consulting with the interested town or village assemblies and land-owners. When, however, several Gun or the boundaries of a city are concerned in such alteration, it shall be decided by the Fu or Ken Council.

When a town or village does not possess the capacity of fulfilling the obligations made incumbent upon it by laws, or when it is necessary for the public interest, several towns or villages may be amalgamated into one, or their boundaries may be altered, regardless of the objections of the interested parties.

When on account of a measure taken in accordance with

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1. This law is commonly referred to as the Town and Village Code.

this Article, an arrangement with regard to town or village property is required it shall also be decided upon.

V. A dispute between any towns or villages about their boundaries shall be decided by the Gun Council. When, however, such towns or villages belong to more than one Gun severally and separately, or when, the boundaries of a city are concerned, the dispute shall be decided by the Fu or Ken Council. Against the decision of the Gun Council a complaint may be laid before the Fu or Ken Council, and against the decision of the latter an action may be brought in the Administrative Court.

CHAPTER 2.—OF THE TOWN OR VILLAGE RESIDENTS (CHO-SON-JUMIN) AND OF THEIR RIGHTS AND DUTIES.

VI. All those who have their residence in a town or village shall be called the "residents" of the town or village.

All the residents of a town or village shall be entitled on the one hand to the common uses of its establishments as well as its property, and on the other shall be subject to the duty of sharing the common burden of such town or village in accordance with the provisions of this law ; the provision of this Article, however, shall not prejudice any rights or duties founded on the civil law.

VII. Every independent male person being a subject of the Empire and in the enjoyment of his civil rights, shall be a citizen (*komin*) of a town or village, provided he has fulfilled the following conditions for the preceding two years :—(1) that he has been a resident of such town or village, (2) that he has contributed towards the common burdens of such town or village, (3) that he has paid national land tax of two or more *yen* in other direct national taxes in such town or village. Persons who have received alms from any public sources within the last two years shall be excepted. The term of two years fixed in this Article, may be dispensed with in particular cases,

according to circumstances, by a decision of the town or village assembly.

An independent person, in the sense of this law, shall mean a person who has completed his twenty-fifth year, having a household; provided, however, that he is not deprived of the right of freely disposing of and administering his property.

VIII. Every citizen shall be entitled on the one hand to the right of taking part in the town or village elections, and of eligibility for any honorary office in the town or village assembly or administration; and shall be bound on the other by the obligation of assuming such honorary offices.

No citizen may refuse to accept any such office or resign the same during the term of the office, except when one of the following reasons shall exist:—

1. Inability to discharge his official duties on account of disease or illness,
2. Necessity of constantly or frequently absenting himself from the town or village on account of occupation.
3. Being sixty years old or more.
4. Engagement in the government service whereby he is unable to discharge his official duties in the town or village.
5. That he was an official of the town or village without salary for four years and that four years have not elapsed since, or that he was a member of the town or village assembly for six years and that six years have not yet elapsed since.
6. Any other valid ground of excuse recognized as such by the town and village assembly.

Any citizen who, without being sustained by any of the above enumerated reasons, refuses to accept any honorary office, or resigns it during the term of the office, or, when the office is one of no definite duration of term, shall not fulfil his duties therein for a period of at least three years, or any honorary officer who actually evades the duties of any such office, may, by a decision of the town or village assembly, be subjected to suspension of citizenship, for from three to six years, together



with an additional levy, during the same period, of from one-eighth to one-quarter more than his ordinary share of contribution to the town or village expenditure.

Against the aforementioned decision of the town or village assembly a complaint may be made to the Gun Council, against the decision of the Gun Council to the Fu or Ken Council, and against the decision of the latter an action may be brought in the Administrative Court.

IX. A citizen shall lose his citizenship when he loses any of the necessary conditions prescribed in Article VII.

The citizenship shall be suspended during bankruptcy proceedings, during the pending of a judicial enquiry or judicial detention when such enquiry or detention is on account of a supposed crime or delict which if proven shall involve the loss or suspension of civil rights, or during execution on account of a failure in payment of a tax.

Persons in actual military or naval service may not take part in the public affairs of a town or village.

Loss or suspension of citizenship shall also entail the loss of an office that is dependent thereon.

### CHAPTER 3.—OF THE TOWN OR VILLAGE BY-LAWS.

X. Every town or village may issue by-laws for regulating such affairs of the town or village and such rights and duties of its residents, as to which the present law contains no express provision or gives authority for treating differently.

Every town or village may issue regulations for any of its establishments.

By-laws and regulations may not be in conflict with laws and ordinances, and shall be published according to the customary modes of the locality for notifying official documents.

### TITLE II.—OF THE TOWN OR VILLAGE ASSEMBLIES.

#### CHAPTER 1.—OF THE CONSTITUTION AND ELECTIONS.

XI. The members of a town or village assembly shall

be elected by the electors of the town or village from amongst the eligible citizens. Their number shall be as follows, in proportion to the population of the town or village; such number, however, may be changed by town or village by-laws:—

*a.* A town or village with a population of less than 1,500, 8 members.

*b.* A town or village with a population of 1,500 or more, and less than 5,000, 12 members.

*c.* A town or village with a population of 5,000 or more, and less than 10,000, 18 members.

*d.* A town or village with a population of 10,000 or more and less than 20,000, 24 members.

*e.* A town or village with a population of 20,000 or more, 30 members.

XII. All citizens of a town or village (Article VII) shall have the suffrage, excepting those whose citizenship is suspended (Article VIII. 3, Article IX. 2) or those who are in actual military or naval service.

Every Japanese subject in the enjoyment of his civil rights, and paying any direct town or village taxes, the amount of which exceeds that which is paid by one of the three citizens who pay the largest amount of such taxes in the town or village, shall also have the suffrage in that town or village, although he may lack in the qualifications enumerated in Article VII. unless there exists any reason which would cause a suspension of citizenship or unless he is in actual military or naval service.

Companies established in accordance with law and other juristic persons shall also have the suffrage under the same conditions as described in the preceding paragraph.

XIII. The electors shall be divided into two classes.

The first class shall consist of those electors who pay the highest sums of direct town or village taxes, the total of which amounts to one-half of the whole amount of direct town or village taxes paid by all the electors. The remaining electors shall form the second class.

An elector, the amount of whose taxes may fall into two classes, shall belong to the first class. Should there be two or more persons that pay the same amount of taxes, and that come between two classes, that one or those, as the case may be, whose residence in the town or village has been the longest shall be included in the first class. When the matter cannot be decided by length of residence it shall be decided by seniority of age, and, in case of infeasibility of the latter, by lot drawn by the Chochō or Sonchō.

Each class shall elect for itself one-half of the members from amongst the eligible citizens, irrespective of the classes.

XIV. In a town or village where the application of the system prescribed by the preceding article is found inconvenient owing to any peculiar circumstance, a different system may be provided by a town or village by-law.

XV. All citizens having the suffrage (Article XII. 1) are eligible for membership.

The following persons may not become members of assembly :—

1. Government officials attached to respective Fu or Ken authorities.
2. Salaried officials.
3. Public prosecutors and police officers and forces.
4. Shintō or Buddhist priests and ministers of all other creeds.
5. Teachers of elementary schools.

As to other kinds of government officials, the permission of the chief of the office to which they belong is required for becoming members.

Persons, not being recognized advocates, who make it their business to transact business for others in law courts or other public offices, are ineligible.

A father and his son or brothers may not be members of a town or village assembly at one and the same time. In case such persons have been so elected, the one who has polled the



largest number of votes shall be declared elected, and in case of a tie, then the senior in age shall be declared elected. When they have been elected at different periods, the one last elected may not become a member.

A person having the relationship of father or son, or of brother to the Chochō or Sonchō or the assistant shall for the time being be disabled from becoming a member of the assembly of the same. When a person having the same relationship to a member of a town or village assembly is elected Chochō or Sonchō or assistant and the election obtains approval, such member of the assembly shall have to retire from his membership.

XVI. Membership of a town or village assembly is honorary. The term of membership is six years and every three years one-half of the members elected by each class shall be renewed. When the number of members is not divisible into two equal parts, the greater half shall be renewed first. The members who shall have to retire first shall be determined by lot.

Outgoing members are re-eligible.

XVII. Vacancies occurring between ordinary elections shall be supplied by the substitutionary elections held at the same time that the ordinary elections are held. When, however, such vacancies amount to one-third or more of the whole number of members, or when it is deemed necessary by the town or village assembly, by the Chochō or Sonchō or by the Gunchō, an election for substitutional members shall be held, without awaiting the ordinary election.

A substitutional member shall retain his membership during the unexpired term of him whom he has replaced.

Ordinary and substitutionary elections shall be held by the same class by and from which the members to be replaced have been elected.

XVIII. Sixty days previous to an election the Chochō or Sonchō shall make out an original register of electors, describing their qualifications, and out of the original register shall draw up lists of electors.

The lists shall be exhibited for the public inspection of interested persons, for seven days, at the Chocho or Soncho or in other suitable public place in the locality. When any interested person wishes to make a complaint about the lists, he may do so during the above-mentioned period, to the Chocho or Sonchō. The Chocho or Sonchō in accordance with the decision of the assembly (Article XXXVII. 1) shall revise the lists, if it is necessary, ten days before the election and make them the final lists. No person whose name is not on the final lists may take part in the election.

The final lists made out according to this Article shall also be used in case a new election is necessary on account of refusal to serve as member by any one that has been elected, or in case an election is void or declared null.

XIX. When an election is to be held the Chocho or Sonchō shall issue a notification seven days before the election day, stating the time and place and the number of members to be elected by each class.

The election of the second class shall be held before that of the first class.

XX. Election officers shall consist of either two or four persons, as honorary officers, chosen for the purpose by the Chocho or Sonchō from the electors, and of the Chocho or Sonchō or his deputy, as Chairman, who shall open and close the election meeting, and shall keep order in the polling station.

XXI. No one but the electors may enter the polling station during the election hours. Electors may not consult together or make suggestions to one another in that room.

XXII. The elections shall be made by ballots on which shall be inscribed the names of those for whom the vote is cast, and, after having been safe-guarded in a folded paper (*fūsin*), shall be handed to the Chairman by the electors themselves; the names of the electors shall not be inscribed.

When the electors hand in their ballots, they shall orally give their full names and places of residence; and the Chair-

man, after having referred such names and places to the lists shall put the ballots unopened into a ballot-box. The ballot-box may not be opened until the polling is closed.

XXIII. A ballot containing a greater or smaller number of names than the one required, shall not be void on that account. In the first case, the redundant names shall be rejected in order beginning with the one at the bottom.

The following ballots shall be void :—

1. Those containing no name at all or those containing any illegible names, so far as those names are concerned.
2. Those by which the persons voted for cannot be identified, so far as those persons are concerned.
3. Those containing the names of persons who are not eligible, so far as those names are concerned.
4. Those mentioning any matter other than the designation of the persons voted for.

The question whether any particular votes shall or shall not be received and also the question as to the validity or nullity of a vote, shall be provisionally decided by the election officers, and in case of an equality of votes, they shall be decided by the Chairman.

XXIV. Voting shall be done in person ; votes by proxy are not allowed.

Electors entitled to suffrage by virtue of Article XII. par. 2, may vote by proxy and in case any of them is not an independent male or is a company or some other juristic person, then the voting must be by proxy. Such proxy must be a Japanese subject, being an independent male person, and in the enjoyment of civil rights. One and the same person, however, may not be a proxy for more than one person, and every proxy must show his authority of proxy to the election officers.

XXV. In an extensive or thickly populated town or village, branch polling stations with definite circumscriptions may be provided by the decision of the town or village assembly ; such branch stations may be provided for the second class only.



The election officers of a branch station shall consist of a deputy of the Chochō or Sonchō, appointed by him, as Chairman, and of either two or four assessors appointed in accordance with Article XX.

The ballot-boxes of the branch stations shall be brought unopened to the head station, and the votes contained therein shall be counted together with other votes.

The polling at the branch stations, shall be held at one and the same time as at the head station. As to the proceedings and maintenance of order, the provisions for the head station shall apply.

XXVI. Those obtaining the greatest number of valid votes shall be declared elected. In case of a tie, seniority of age shall determine, and when it cannot be determined, it shall be determined by lot drawn by the Chairman.

Where more than one substitutional member is elected (Article XVI), the one who obtains the largest number of votes shall be the one to take the place of that replaced member whose remaining term of membership is the longest. In case of a tie, the order shall be determined by lot.

XXVII. Election officers shall keep minutes of an election which shall contain the details of the election operations. These minutes having been read aloud at the end of the election shall be signed by the election officers and attached to the lists of electors.

The ballots cast shall be attached to the minutes and preserved until the completion of the elections.

XXVIII. When an election is over the Chairman shall give to the persons elected notice of their election. Persons who decline such election shall notify the Chochō or Sonchō within five days at the latest from time of notice of such election.

Any one who has been elected by both classes of electors, shall notify the Chochō or Sonchō within the same period which election he will accept. Should he give no notice, he shall be considered as having declined all, and shall be dealt with in accordance with Article VIII.

XXIX. When an elector wishes to make any complaint as to the validity of the election proceedings, he shall do so to the Chochō or Sonchō within seven days from the time of the election (Article XXXVII. par. 1).

When an election is over the Chochō or Sonchō shall make a report thereof to the Gunchō, and should the Gunchō entertain any objection to the validity of the election, based upon serious grounds, he may, irrespective of any complaint, submit the case to the decision of the Gun Council, and it shall be disposed of in accordance with such decision.

When there has been any essential irregularity in election proceedings, such election shall be declared altogether null and void, and when any person who has been elected is found to be without requisite qualifications, his election shall be void. In either of these cases a new election shall be held.

XXX. When a person declared elected is afterwards discovered to be without the requisite qualifications, or has subsequently lost them, his election shall become void. The question whether such qualifications are wanting or not shall be decided by the town or village assembly.

XXXI. In a small town or village, the town or village assembly may be, by a town or village by-law, decided upon by the Gun Council substituted by a general meeting of all citizens having the suffrage.

#### CHAPTER II.—OF COMPETENCY AND BUSINESS.

XXXII. The assembly of a town or village shall represent the town or village, and decide on all subjects relating to the town or village affairs, in conformity with the provisions of this law, and also on those matters which have already been entrusted to its management or which may hereafter be so entrusted by laws or Imperial ordinances.

XXXIII. The matters that are to be decided by a town or village assembly, are principally as follows:—

1. The making and altering of town or village by-laws and regulations.

2. Affairs, the expenses of which are to be defrayed out of the town or village revenues, with the exception of those mentioned in Article LXIX.

3. The determining of the budget of the town or village, as well as the approving of an outlay not included in the budget or of one exceeding the estimate.

4. The giving discharge to the annual accounts of the receipts and expenditure.

5. The determining of the modes of imposing and of collecting duties for use (*shiyoryo*), fees, town or village taxes, and services in person or in kind, so far as not determined by laws or Imperial ordinances.

6. Alienation, purchase, exchange, or mortgage of the immovable property of the town or village.

7. Matters relating to the disposition of the stock property.

8. The incurring of a new liability or the relinquishment of an acquired right, so far as it has not already been determined by the budget.

9. The determining of the modes of management of the town or village property and establishments.

10. Requisition of security from town or village officials, as well as determination of its amount.

11. Entering in a law-suit or in an arbitration concerning any town or village.

XXXIV. The town or village assembly shall elect the town or village officials within its competency by virtue of laws or Imperial ordinances.

XXXV. The town or village assembly shall be competent to examine papers and accounts relating to the town or village affairs and to demand reports from the *Chochō* or *Sonchō* in order to ascertain whether the management of affairs, the execution of the decisions of the assembly, and the collection and application of the revenue, are properly carried out.

The town or village assembly may present to the superintending authority memorials on matters concerning the public interest of the town or village.

XXXVI. The town or village assembly shall present its



views on any subject when such views are asked for by the government authorities.

XXXVII. The town or village assembly shall also decide all complaints brought before it relating to the question as to whether or not any particular person possesses the right of a resident or of a citizen in the town or village or the qualifications of an elector or for eligibility, as to the correctness or incorrectness of electoral lists or of the formation of the electoral classes, as to the right of voting by proxy (Article XII, par 2), and also as to the validity of any election of the members of the assembly (Article XXIX).

In a town or village where no town or village assembly is instituted the complaints about questions whether or not any person possesses the rights of a resident or of a citizen in the town or village or about the qualification of an elector shall be decided by the Chochō or Sonchō.

Against any such decision of the town or village assembly or the Chocho or Sonchō, a complaint may be made to the Gun Council, against the decision of the Gun Council to the Fu or Ken Council, and against the decision of the latter an action may be brought in the Administrative Court.

With regard to the matters mentioned in this Article the Chochō or Sonchō also may enter a complaint or bring an action.

No complaint or action shall have a suspensive effect. No new election, however, may be held before there is a final decision.

XXXVIII. No member of a town or village assembly may bind himself by the direction or request of any of his constituents.

XXXIX. A Chochō or Sonchō shall be the president of the town or village assembly, and when he is prevented from so doing, the town or village assistant acting as his deputy shall take his place.

XI. When the matter of any question before the town or village assembly relates personally to the president himself, or

to his parents, his brothers, his wife, or his children, the president shall be deemed as prevented from taking the chair, and his deputy shall act in his place.

When both the president and the deputy are prevented from presiding, the senior member in point of age shall act as president.

XLI. The Chochō or Sonchō and the assistant may be present in the town or village assembly and give explanations on matters under consideration in the assembly.

XLII. The town or village assembly shall be convoked by its president whenever there is any necessity for its meeting. It shall also be convoked when it is demanded by a fourth or more of its members. The notification of convocation and the subjects to be deliberated upon shall be announced at least three days beforehand, except when the case demands urgency. The town or village assembly may, by its decision, fix beforehand its regular days of meeting.

XLIII. The quorum of a town or village assembly shall be two-thirds of the members. An exception to this shall be where the members have been convoked a second time in regard to one and the same subject, and yet the requisite number of members has not appeared.

XLIV. The decision of the town or village assembly shall be determined by a majority of votes. In case of an equality of votes, the matter shall be debated and voted upon a second time. Should the votes still be equally divided the president shall decide.

XLV. No member may participate in deciding a question in the town or village assembly, on a matter personally concerning himself, his parents, his brothers, his wife, or his children.

In a case where it happens that the assembly is unable to obtain a quorum, on account of the exclusion of several members in the above manner, the Gun Council shall decide upon the matter in question for the town or village assembly.

XLVI. The election of the town or village officials to be elected by the town or village assembly shall be made by secret ballot separately and severally for every such official, and whoever obtains more than half of the number of valid votes shall be declared elected. In case no one obtains such requisite number of votes, a new ballot shall be taken for the two individuals among them that have obtained the highest number of votes; and when three or more persons obtain the highest, but an equal number of votes, two of them determined by lot drawn by the president, shall be taken. When in either of these cases, neither of the two obtains a majority of votes, it shall be decided by lot. As to what remains, Articles XXII. XXIII. and XXIV., 1, shall apply.

For the election mentioned in this Article, an election by nomination may be substituted upon the decision of the town or village assembly.

XLVII. The sittings of town or village assemblies shall be public, but strangers may be excluded when it is deemed desirable by the president.

XLVIII. The president shall allot assembly works to the members, shall superintend meetings, and elections, shall open, adjourn, and close the sitting and keep order in the assembly chamber. He may cause any stranger who openly signifies his assent or dissent, or who is in any way disorderly, to retire from the chamber.

XLIX. The town or village assembly shall cause its clerks to keep minutes wherein shall be recorded the decisions, the results of elections held therein, and the names of the members present. Such minutes shall be read aloud at the end of the sitting and shall be signed by the president and at least two of the members present.

The clerks of the town or village assembly shall be appointed by the president.

L. The town or village assembly shall provide itself with business regulations; such regulations may contain provisions



for penalties, not exceeding two *yen*, to be inflicted upon members who may infringe the same.

LI. Articles XXXII. to XLIX. shall also apply to the general meeting of a town or of a village.

TITLE III.—OF THE ADMINISTRATION OF TOWNS AND VILLAGES.

CHAPTER I.—OF THE CONSTITUTION AND APPOINTMENT OF TOWN OR VILLAGE OFFICIALS.

LII. There shall be a Chochō or Sonchō and an assistant for every town or village. The number of assistants, however, may be changed by a town or village by-law.

LIII. The Chochō or Sonchō and assistants, shall be elected by the town or village assembly from amongst the citizens of the town or village having the suffrage and being thirty years old or more.

The offices of the Chochō or Sonchō and the assistants shall be incompatible with the offices mentioned in Article XV.  
2.

Persons related to each other as father and son or as brothers may not be at the same time the Chochō or Sonchō and assistants. When any persons having such relationship with the Chochō or Sonchō is elected assistant, such election shall be annulled, and on the other hand, when any person having similar relationship to an assistant, is elected Chochō or Sonchō and such election is approved, the so related assistant shall resign his office.

LIV. The term of office of the Chochō or Sonchō and of assistants shall be four years.

The election shall be made in accordance with Article XLVI, with this exception, that in case of a tie, the selection shall be made by the Gun Council and not by lot.

LV. The office of the Chochō or Sonchō and of assistants is honorary, with the exception of the paid Chochō or Sonchō and assistants mentioned in Article LVI.

The Chochō or Sonchō may receive remuneration suitable to their trouble besides compensation for the actual expenses needed for the discharge of their duties. It shall also be the same when an assistant is entrusted with a particular branch of administrative affairs (Article LXX., 2).

LVI. The Chochō or Sonchō may be made a paid official by a town or village by-law, in case it is desirable according to the circumstances of such town or village, and in a large town one assistant may be made a paid official.

Paid Chochō or Sonchō and assistants, shall not be restricted to citizens of towns or village, but they will be entitled to the citizenship in the town or village when they are elected and their election is approved.

LVII. Paid Chochō or Sonchō and assistants may resign office by giving notice three months beforehand, in which case, however, they shall cease to be entitled to any pension.

LVIII. Neither the paid Chochō or Sonchō nor any paid assistant may hold a salaried office of any other kind, or become a director of a joint stock company, or hold any important position therein; and with regard to other kinds of commercial or industrial occupations, neither of them may carry one on without having received permission from the Gunchō.

LIX. The election of Chochō or Sonchō and of assistants requires the approval of the Fu or Ken Chiji.

LX. When the Fu or Ken Chiji does not give the approval mentioned in the preceding Article, he shall first consult the Fu or Ken Council, and when the Fu or Ken Council disagrees with him and he still deems it necessary not to give it he may withhold it on his own responsibility.

When the Chochō or Sonchō or the town or village assembly has any ground of dissatisfaction against the disapproval of the Fu or Ken Chiji, they may represent the case to the Minister of State for Home Affairs and request his approval.

LXI. When the election of a Chochō or Sonchō and of an assistant is not approved, a new election shall be held.

If the second election does not also obtain the approval, the superintending authority having the right of approval shall either appoint a deputy *pro tempore*, or despatch a government official at the expense of the town or village for discharging the duties of the Chochō or Sonchō and the assistant.

LXII. There shall be a treasurer in every town or village who shall be appointed by the town or village assembly on the proposal of the Chochō or Sonchō.

The treasurer shall be a paid official, and his term of office shall be four years.

The treasurer may not at one and the same time be the Chochō or Sonchō or the Assistant. As to what remains Article LVI., 2, Articles LVII. and LXXVI. shall apply.

The appointment of treasurer requires the approval of the Gunchō. When he does not give approval, he shall first consult with the Gun Council, and when the Gun Council disagrees with him and he still deems it necessary not to give his approval, he may withhold it on his own responsibility. As to what remains Article LXI. shall apply.

When the Chochō or Sonchō or the town or village assembly has any ground of dissatisfaction against the disapproval of the Gunchō they may represent the case to the Fu or Ken Chiji and request his approval.

In a town or village where the amount of the receipt and expenditure is small the Chochō or Sonchō may be made by permission of the Gun-cho to discharge *ex officio* the duty of the treasurer.

LXIII. There shall be clerks and other necessary supplementary employes and servants in every town or village, to whom suitable salaries shall be given. The number of such persons shall be determined by a decision of the town or village assembly. The duty of the clerk, however, may be entrusted to the Chochō or Sonchō by giving a suitable allowance.

The supplementary employes of a town or village shall be



appointed by the town or village assembly on the proposal of the Chochō or Sonchō, and the servants by the Chochō or Sonchō himself.

LXIV. A town or village may be by a decision of the assembly divided for convenience of administration into several districts, each having a Kuchō and a deputy. The Kuchō and his deputy shall be honorary officials.

The Kuchō and his deputy shall be elected by the assembly from amongst the citizens belonging to that town or village, and who possess the suffrage. When there is a separate assembly for such district (Article CXIV.), the Kuchō and his deputy shall be elected by that assembly.

LXV. A town or village may, upon a decision of the town or village assembly, institute temporary or permanent committees. Their functions shall be honorary.

Committees shall be elected from amongst the members of the assembly, or citizens having the suffrage, and the Chochō or Sonchō or the assistant acting as his deputy shall be the chairman of any such committee.

With regard to the composition of permanent committees, special provisions may be made by town or village by-laws.

LXVI. The Kuchō and the members of a committee may, by a decision of the town or village assembly, be allowed remuneration suitable to their trouble, beside compensation for the actual expenses needed for the discharge of their duties.

LXVII. The town or village officials may be re-elected upon the completion of their term of office.

The town or village officials and servants may be discharged at any time unless there exist special provisions or a contract to the contrary.

## CHAPTER II.—OF THE COMPETENCY AND BUSINESS OF THE TOWN OR VILLAGE OFFICIALS.

LXVIII. The Chochō or Sonchō shall be the local authority of the town or village and shall carry on the administration thereof.

The principal affairs to be undertaken by the Chochō or Sonchō are as follows :—

1. The preparation of subjects for deliberation in the town or village assembly, and the execution of the decision of the assembly. When it appears that any decision of the assembly exceeds its competency, or is in conflict with laws, or ordinances, or is prejudicial to the public good, the Chochō or Sonchō shall, upon his own judgment or by instruction of the superintending authority, suspend the execution of such decision, explaining the reason therefor, and cause the matter to be discussed a second time. If the assembly does not change its decision, the Chochō or Sonchō shall apply for the ruling of the Gun Council. When the suspension is on account of a decision of the assembly exceeding its competency or on account of conflict with laws or Imperial ordinances, an action may be brought in the Administrative Court against the ruling of the Fu or Ken Council.

2. The management of the establishments of the town or village, and superintendence of the management of such establishments when there are special managers thereof.

3. The administration of the town or village revenue, the ordering of receipts and of payments fixed in the budget or by special decision of the assembly, and the superintendence of the management of the treasury and accounts.

4. Looking after the rights of the town or village and the administration of its property.

5. Superintendence over the town or village officials and servants, and exercising disciplinary authority over them. Disciplinary penalties shall consist of reprimands and of fines not exceeding five *yen*.

6. The custody of all papers and documents.

7. Representation of the town or village as against outsiders, especially in lawsuits, or in arbitrations, and communications with other authorities or private individuals, in the name of the town or village.

8. Imposing and collecting duties for use, fees, town or village taxes, as well as services in person or in kind, in accordance with laws or Imperial ordinances or with decisions of the town or village assembly.

9. The carrying out of all other affairs entrusted to the Chochō or Sonchō by laws and ordinances, or by the instruction of the superior authority.

LXIX. The Chochō or Sonchō shall also discharge the following duties in conformity with laws and ordinances:—

1. Where there is no special office established for discharging the duties of the local police; (1) duties incumbent upon him as an auxiliary officer of the judicial police, and (2) duties in local affairs incumbent upon him by virtue of laws or ordinances.

2. The business of a wreck office.

3. The administrative affairs of the Fu or Ken, and those in general of the Central Government, relating to the locality, in so far as no special officials are appointed for those affairs.

Any of the affairs mentioned in the preceding three headings may, by permission of the superintending authority, be entrusted to the assistant.

Expenses requisite for the conduct of the affairs mentioned in this Article shall be borne by the town or village.

LXX. The assistant of a town or village shall assist in the business of the Chochō or Sonchō.

The Chochō or Sonchō may with the consent of the town or village assembly, entrust the assistant with the administration of some particular branch of the town or village administration.

The assistant shall act for the Chochō or Sonchō when he is prevented from discharging his duty, and in case there are several assistants the one having precedence shall do so.

LXXI. The treasurer shall manage the receipts and expenditures and the accounts of the town or village.

LXXII. The clerks shall be subordinate to the Chochō or Sonchō and shall discharge the office business allotted to them.

LXXIII. The Kuchō and his deputy shall, as the organ of the Chochō or Sonchō, receive and carry on his orders and directions, and assist in the execution of the administrative affairs of the town or village relating to the district.

LXXIV. Committees (Article LXV.) shall be subordinate to the Chochō or Sonchō and shall either take charge of some special branches of the town or village administration or some



establishments of the town or village, or take charge of any affairs temporarily entrusted to them.

The chairman of a committee shall have the right of voting in its decision. When an assistant is chairman, the Chochō or Sonchō may sit and take the chair at any time, with full right of voting in the meetings of the committees.

With regard to the competency of a permanent committee special provisions may be made by a town or village by-law.

#### CHAPTER 3.—OF SALARIES AND ALLOWANCES

LXXV. Honorary functionaries may only receive compensation for the actual expenses needed for the discharge of their duties, unless there are special provisions prescribed in this law.

The amount of compensations, of remunerations, and of allowances (Article LXIII. 1), where they are allowed, shall be determined by the town or village assembly.

LXXVI. The amount of salary to be paid to the Chochō or Sonchō, to the paid assistants, and to other salaried officials as well as to servants, shall be fixed by the decision of the town or village assembly.

The fixing of the salaries of Chochō or Sonchō and assistants requires the approval of the Gunchō. When he sees reason for not giving such approval he shall cause it to be fixed by the Gun Council.

LXXVII. Provision may be made by a town or village by-law for pensions to be given to the salaried officials.

LXXVIII. Disputes about the salaries and pensions of paid officials and about the allowances mentioned in Article LXXVI. shall be decided by the Gun Council on application of the interested party. Against such decision a complaint may be made to the Fu or Ken Council, and against the decision of the latter an action may be brought in the Administrative Court.

LXXIX. When anyone in receipt of a pension obtains an appointment in government service or in a fu, ken, gun, city,

town, or village, or in any public corporation, whereby he becomes the recipient of a salary, such pension shall be suspended while he receives such salary; and when he becomes entitled to a new pension, the amount of which is equal to or greater than that of the former one, his right to the latter shall become extinct.

LXXX. Salaries, pensions, remunerations, and compensations shall be a burden upon the town or village.

#### TITLE IV.—OF MANAGEMENT OF TOWN OR VILLAGE PROPERTY.

##### CHAPTER I.—OF TOWN OR VILLAGE PROPERTY AND TOWN OR VILLAGE TAXES.

LXXXI. The town or village is bound to keep and maintain as "stock property" its immovable property, its capitalized money, its stored-up grain, etc.

Extraordinary receipts of money or grain shall be added to the stock property, excepting donations or the like given for some special purposes.

LXXXII. The town or village property shall be managed and made use of for the common benefit of the town or village, excepting where there exists any special title founded on the civil law.

LXXXIII. Where residents of a town or village are entitled by any old custom to the direct use of lands or other objects belonging to the town or village, such custom shall not be altered except upon a decision of the town or village assembly.

LXXXIV. Admission to the use of any land or other object belonging to the town or village, may be made, by a town or village by-law, dependent upon the payment of an annual duty for use (*shiyoryo*) or of an entrance fee or of both of them. Any enjoyment of special rights by virtue of the civil law shall not come under this rule.

LXXXV. Persons entitled to the use of any such land or object (Articles LXXXIII. and LXXXIV.) shall have to bear

the necessary expenses required for the land or the object in use, in proportion to their share in the use.

LXXXVI. The town or village assembly may, in case it is necessary for the common good of the town or village, withdraw or restrict any right of use (Articles LXXXIII. and LXXXIV), excepting where such rights rest on the civil law.

LXXXVII. All the selling or letting of the town or village property as well as all contracts for buildings and purveyances, shall be made by way of public competition. A deviation is only permissible in cases of special urgency, or when the cost would be out of proportion to the advantages to be derived therefrom, or when special approval is obtained from the town or village assembly.

LXXXVIII. The town or village is bound to bear its own necessary expenditures as well as those which are already imposed upon it by laws or Imperial ordinances.

When the revenue arising from the property, duties for use, fees (Article LXXXIX), fines, penalties, and other kinds of income belonging to a town or village by virtue of laws or Imperial ordinances does not cover the expenditure of the town or village, it may impose and collect town or village taxes (Article XC.) and services in person or in kind (Article CI).

LXXXIX. The town or village may impose and collect duties for the use of its property and establishments and fees for anything done specially for the benefit of some individuals.

XC. As town or village taxes may be imposed :—

1. Additional percentages upon national and fu or ken taxes.
2. Special direct or indirect taxes.

Additional percentages shall be imposed as a rule to direct national, fu or ken taxes on the whole extent of the town or village, and at a uniform rate. Special taxes may be imposed only when, besides the additional percentages, some further tax is required by a town or village.

XCI. So far as no express provisions are prescribed in the



law, minute regulations relating to duties for use and fees (Article LXXXIX), special taxes (Article XC, 1, heading 2), and ku, cho, or son rates hitherto existing, shall be provided for by a town or village by-law. In such by-law the imposition of a penalty not exceeding one *yen* and ninety-five *sen* may be provided.

The imposition and collection of these penalties shall be the duty of the Chochō or Sonchō. Against an imposition of such penalty an action may be brought in a court of Law, within fourteen days from the time when sentence of penalty is served.

XCII. All those who shall sojourn in a town or village for a period of three months or over, shall be liable to the payment of town or village taxes, and that liability shall commence from the beginning of such sojourn.

XCIII. Persons who have no residence in a town or village and who do not sojourn therein for a period of three months, but own lands or houses in the town or village or carry on some trade therein (excepting pedlars and hawkers), shall be subjected to the town or village taxes imposed with respect to those lands, houses, trades, and incomes derived therefrom. The case shall be the same with regard to juristic persons, the government postal, telegraph, and railway services excepted.

XCIV. When additional precentages are imposed on income taxes, or town or village income taxes are specially levied in and for the town or village, the amount of income derived by persons subjected to such taxes, from lands, houses, or trades (pedlars and hawkers excepted) owned or carried on without the town or village, shall be deducted from the aggregate amount of their incomes.

XCV. When a person possessing residences or places of sojourn in several cities, town, or villages, is subjected to the town or village taxes mentioned in the preceding Article, the amount of his income that arises from other sources than lands,

houses, or trades shall be divided into equal parts, according to the number of cities, towns, or villages, and only one part thereof may be made subject to such taxes in one place.

XCVI. Incomes mentioned in Article III of the Income Tax Regulations shall be exempted from town or village tax.

XCVII. The following shall be exempted from town and village taxes :—

1. Grounds, establishments, and buildings used for direct public purposes and belonging to the state, to a fu, ken, gun, city, town, or village, and other public corporations.

2. Shintō and Buddhist temples, government or public schools and hospitals ; grounds, establishments, and buildings, devoted to scientific, artistic, or charitable purposes.

3. Forests and waste lands belonging to the state, except in cases where any work is undertaken benefiting such forests or lands, and when, to cover the expense incurred for such work, assessments are made thereon by permission of the Minister of State for Home Affairs and of the Minister of State for Finance.

Newly cultivated or reclaimed lands may be exempted from town or village taxes a certain length of time by a town or village by-law.

XCVIII. Other objects besides those mentioned in the two preceding Articles, that are to be exempted from town or village taxes, shall be determined by special laws or Imperial ordinances. With regard to town or village taxes to be imposed on members of the Imperial family, they shall remain as they are at present until they are regulated by further laws or Imperial ordinances.

XCIX. When in the town or village there is an establishment which may solely benefit some particular individuals, expenses of its repairs or maintenance shall be borne by such interested individuals.

When an establishment is kept up for the sole benefit of a particular district in a town or village the expenses of its repairs and maintenance shall be borne by those that are

resident or sojourning in the district or that own lands or houses or carry on a trade therein (excepting pedlars and hawkers). Should there be property owned by that district, the income derived therefrom shall be applied first to the defraying of the expenses.

C. Town or village taxes shall be imposed in monthly apportionment from the beginning of the month following the one in which the liability for them arises, to the end of the month in which it ceases.

When in the course of a financial year, anyone becomes free from liability to payment of taxes or such liability undergoes a change, notification thereof shall be made by him to the Chochō or Sonchō. Up to the end of the month in which such notification is given the same taxes may be levied as in the past.

CI. For the public works of a town or village, or for the maintenance of the public peace and order, services in person or in kind may be imposed on tax-payers. No personal service of a scientific or professional nature may be imposed.

Except in urgent cases, services in person or in kind shall be imposed in proportion to the amount of direct town or village taxes, and their money value shall be estimated beforehand.

Individuals liable to personal service may perform the same, either in their own persons or by suitable substitutes, at their own convenience, and excepting in cases of urgent necessity they may compound them by a payment of their money value.

CII. When any person does not pay in due time his duty for use or fees (Article LXXXIX), his town or village taxes (Article XC.), the money value for services (Article CI.), duties for use or entrance fees in regard to the common property of the town or village (Article LXXXIV), or any other town or village dues, the Chochō or Sonchō shall call upon him to pay, and in case he still fails to do so he shall be dealt with in accordance with



the regulations for the treatment of non-payers of national taxes. For sending such call, a fee may be exacted, by virtue of a town or village by-law.

In regard to persons in extreme need, the Chochō or Sonchō may, at his discretion, grant a delay of payment of dues, but not to extend beyond the period of the current financial year. When it does extend beyond such period, the decision of the town or village assembly must be taken.

With regard to the collection of arrears, to the prescriptions and to the privileges of priority, the provisions concerning national taxes shall apply.

CIII. Additional percentages on land taxes shall be imposed on the payers of the land taxes. Other town or village taxes imposed on lands may be imposed either on the owners or the occupiers thereof.

CIV. Complaints in regard to imposition of town or village taxes, shall be brought before the Chochō or Sonchō within three months from the time of service of the writ of imposition; when this period elapses without any complaint, all right to demand reduction, exemption, or refunding of taxes, for the current financial year, shall be lost.

CV. Complaints concerning the imposition of town or village taxes and the right to the use of an establishment or of the common property of a town or village or the benefits arising therefrom, shall be decided by the Chochō or Sonchō, excepting when the disputed right in question is founded on civil law.

Against the above decision a complaint may be made to the Gun Council, against the decision of the Gun Council to the Fu or Ken Council, and against the decision of the latter an action may be brought in the Administrative Court.

The complaints or actions mentioned in this Article shall have no suspending effect.

CVI. The raising of loans in a town or village shall be limited to cases when it is for the repayment of the principal of

an old loan or when an extraordinary outlay is required on account of an act of nature or of a calamity, or such like, or of some matter of permanent benefit to the town or village, and yet no augmentation of the ordinary revenue can be made without inflicting an excessive burden on the residents.

When the raising of a loan is decided upon by a town or village assembly it shall also predetermine the mode of raising it, the rate of interest to be paid, and the method of repayment. The first instalment of such repayment shall be made within three years, and there shall be a fixed proportion of annual instalment of repayment, so that the whole shall be paid off within thirty years from the raising thereof.

Temporary loans necessary for meeting outlays, the estimates for which are contained in the budget, shall not come under the restrictions of this article, provided such loans are repaid out of the income of the current financial year.

#### CHAPTER 2.—OF THE ESTIMATES AND ACCOUNTS OF THE REVENUE AND EXPENDITURE OF THE TOWN OR VILLAGE.

CVII. The Chochō or Sonchō estimating, as far as possible, amount of revenue and of expenditure of the town or village, for the next financial year, shall make a draft of the budget for the year, two months in advance. The financial year shall be the same as that of the state.

The Minister of State for Home Affairs may fix the form of such budget by a departmental ordinance.

CVIII. The draft of the budget shall be submitted to the deliberation of the town or village assembly before the beginning of the financial year, and when it is finally settled, it shall be reported to the Gunchō, and the important points therein shall be notified to the public, according to the customary mode of publication of official documents in the locality.

When the draft of a budget is introduced into the town or village assembly, it shall be accompanied by a report of the

Chochō or Sonchō on the general transactions of the town or village, and an inventory of the town or village property.

CIX. Expenditures not contained in the budget or that exceed the estimates in the budget, can be met only upon approval of the assembly.

In every budget there may be provided the "contingencies fund" (yobihi) for meeting any unexpected expenditures and it may be applied by the Chochō or Sonchō without previous approval of the assembly, to expenses not mentioned in the budget, or to those exceeding the budget estimates. Such funds, however, may not be applied to any expenses expressly negated by the assembly.

CX. When the budget is determined by the assembly a copy thereof shall be transmitted by the Chochō or Sonchō to the treasurer of the town or village. When in the budget there is any matter requiring the authorization of the superintending authority or of the Council (Article CXXV-CXXVII), such authorisation shall be obtained beforehand.

The treasurer may make no payment without an order of the Chochō or Sonchō (Article LXVIII., 2, heading 3) or of the superintending authority, and even when he receives such an order from the Chochō or Sonchō he may make no payment which is not provided for in the budget or when such order is not in accordance with the provisions of the preceding Article.

The treasurer shall be responsible for all payments made by him in contravention of the preceding paragraph.

CXI. The treasury of the town or village shall be examined monthly on a fixed day, and a special examination shall be made at least once a year. The monthly examination shall be made by the Chochō or his deputy, and the special by the Chochō or Sonchō or his deputy with the assistance of one or more members of the assembly chosen for the purpose by election by the members of the assembly.

CXII. The annual accounts shall be made up within three months from the end of the financial year, and shall together



with papers and documents, be presented by the treasurer to the Chochō or Sonchō, who after examining the same, shall submit them with his own observations thereon, to the approval of the assembly. In the case of Article LXIII., 5, they shall be brought in to the town or village assembly by the Chochō or Sonchō himself in a similar way. The decision of the assembly shall be reported by the Chochō or Sonchō to the Gunchō.

CXIII. Audit of accounts shall be considered a case of hindrance for the President and his Deputy in the sense of Article XL.

TITLE V.—OF THE ADMINISTRATION OF DISTRICTS POSSESSING SEPARATE PROPERTY.

CXIV. When a district in a town or village (Article LXIV) or a part of a town or village or a town or village amalgamated with another (Article IV) which is made a district by maintaining its old circumscription possesses any separate property or establishment of its own, and bears the expenses entailed by it (Article XCIX.) the Gun Council after consulting with the town or village assembly, may issue a by-law and institute a ku assembly or a general meeting of the district for affairs relating to the aforesaid property or establishment. In such case, the provisions for the town or village assembly shall apply to such ku assembly.

CXV. The administration of the affairs mentioned in the preceding Article shall be carried on by the Chochō or Sonchō in conformity with the provisions for town or village administrations, but with a separate treasury and account.

TITLE VI.—TOWN OR VILLAGE UNIONS.

CXVI. Several towns or villages may, by mutual agreement, and with the permission of the superintending authority, form a union for carrying on, in common, affairs which are common to them.

When a town or a village not possessing the capacity of fulfilling the obligations incumbent upon it by law, is unable to come to any agreement of amalgamation with other towns and villages (Article IV), or such amalgamation is inexpedient owing to circumstances, a formation of a union of several towns or villages may be forced upon them by decision of the Gun Council.

CXVII. When an agreement for union is made between several towns or villages (Article CXVI, 1) the constitution of the union assembly, the organisation of the administration, and the modes of providing means for the expenditure shall also be decided by them.

In the case of the second paragraph of the preceding Article, the modes of contribution to the expenditure of the union and other necessary matters shall be decided by mutual agreement of the interested towns or villages. Should they be unable to arrive at an agreement, the Gun Council shall decide.

CXVIII. Unions of towns or village may not be dissolved without the permission of a superintending authority.

#### TITLE VII.—OF THE SUPERINTENDENCE OF THE ADMINISTRATION OF THE TOWN OR VILLAGE.

CXIX. The administration of the towns and villages shall be superintended by the Gunchō in the first instance, by the Fu and Ken Chiji in the second, and by the Minister of State for Home Affairs in the third, with the reservation of cases, where the cooperation of the Gun Council or the Fu or Ken Council is required by virtue of law.

CXX. Excepting in cases where it is provided otherwise in this law, a complaint against any measure or decision, relating to the administrative affairs of a town or village, taken or made by the Gunchō or the Gun Council may be laid before the Fu or Ken Chiji or the Fu or Ken Council, and against the decision of the latter a complaint may be laid before the Minister of State for Home Affairs.

Complaints relating to the administrative affairs of a town or village shall be presented, together with reasons justifying the same, within fourteen days from the day on which the decree or decision has been served or otherwise notified, except in cases where some special limitation of time is prescribed in this law.

Actions to be brought by virtue of this law in the Administrative Court against any decision of the Fu or Ken Chiji or the Fu or Ken Council shall be limited to twenty one days from the day on which the decision has been served or otherwise notified.

In all cases where an action is given in the Administrative Court, no complaint touching the same matter may be laid before the Minister of State for Home Affairs.

When a complaint is laid or an action is brought in regard to a measure or to a decision, the execution of the same shall be suspended, except where there are special provisions in this law to the contrary, or where such suspension shall be deemed by the competent authority prejudicial to the common good of the town or village.

CXXI. The superintending authorities shall look after the administration of the town or village to see that it does not infringe any law or ordinance, or that there is no irregularity or delay in the transaction of its business. To this end the superintending authorities may demand reports on any administrative affairs, and the production of papers and documents relating to budgets and accounts, and the like ; they may also examine the state of affairs and the treasury by visiting the actual spot.

CXXII. When a town or village or a town or village union does not include in its budget an expenditure burdened upon it by law or Imperial ordinance, or that has been ordered by the competent authorities, or when it does not approve an extraordinary expenditure, or actually fulfil its budget obligation, the Gunchō may, upon statement of his reason for so



doing, embody the amount of such expenditure in the budget or order an extraordinary payment. ③

Against a measure taken by the Gunchō in pursuance of the preceding paragraph a complaint may be made to the Fu or Ken Council, and against the decision of the latter, an action may be brought in the Administrative Court by the town or village or town or village union.

CXXIII. When a town or village assembly does not render a decision upon any matter which it ought to decide, the Gun Council shall do so in its stead.

CXXIV. The Minister of State for Home Affairs may dissolve the town or village assembly. When the town or village assembly is dissolved, it shall be simultaneously ordered that a new election shall be held within three months. Until the newly elected assembly meets, all matters shall be decided by the Gun Council in its stead.

CXXV. The decision of the town or village assembly relating to the following matters, requires the approval of the Minister of State for Home Affairs :—

1. Issuing or altering by-laws.
2. The alienation, mortgaging, exchanging, or any significant alterations of objects valuable from a scientific, artistic, or historical point of view.

With regard to matters mentioned under the first heading, in a town or village with 10,000 or more souls, approval shall be given only after an Imperial decision is previously obtained in the matter.

CXXVI. A decision of the town or village assembly, relating to the following matters, requires the approval of the Minister of State for Home Affairs and of the Minister of State for Finance :—

1. The raising of new loans or the increasing of loans ; or when it is necessary to deviate from the provisions of Article CVI. 2. Loans, the terms of the repayment of which is within three years, shall not come under the limitation of this Article.

2. Introducing a new town or village special tax, duty for use, or fee, or raising the amount thereof, or any other essential alteration of the same.

3. Imposition of additional percentages exceeding one-seventh of the land tax, or fifty per cent. of other direct national taxes.

4. Imposition of additional percentages on indirect national taxes.

5. Determining the sum of expenditure toward which a certain proportional subsidy is given by the Government, in accordance with laws or Imperial ordinances.

CXXVII. A decision of the town or village assembly relating to the following matters requires the approval of the Gun Council :—

1. The making or altering of regulations relating to the establishments of the town or village.

2. Measures to be taken with regard to stock property (Article LXXXI).

3. Alienation or mortgage of immovable town or village property.

4. Changes in regard to the use of lands by individual residents (Article LXXXVI).

5. Giving security of any kind for another.

6. Entailing, for the next five years or more, upon the residents of the town or village, a new burden that does not arise from any obligation founded on laws or Imperial ordinances.

7. Imposition of additional percentages on national taxes or on Fu or Ken taxes otherwise than at uniform rates (Article XC. 2).

8. Imposition of expenses upon certain particular individuals, or particular districts, in accordance with Article XCIX.

9. Imposition of services in person or in kind otherwise than at the rates prescribed in Article CI.

CXXVIII. The Fu or Ken Chiji or the Gunchō may exercise disciplinary authority over the Chochō or Sonchō, the assistants, the members of the committees, upon the Kuchō, and other town or village officials. The penalty for such disciplinary measure shall consist of a reprimand, or of a fine not

exceeding ten *yen* in case of the Gunchō and twenty-five *yen* in case of the Fu or Ken Chiji.

Until a special disciplinary law for town or village officials is issued, the disciplinary regulations for government civil officials shall be applied with the following modifications :—

1. Against a disciplinary measure taken by the Chochō or Sonchō (Article LXVIII. 2, heading 5) a complaint may be laid before the Gunchō, against the decision of the Gunchō to the Fu or Ken Chiji, and against the decision of the latter an action may be brought in the Administrative Court.

2. Against a disciplinary measure taken by the Gunchō a complaint may be made to the Fu or Ken Chiji, and against the decision or measure made or taken by the latter an action may be brought in the Administrative Court.

3. Any town or village official mentioned in the first paragraph of this Article who repeatedly or grossly violates his duty, or who is guilty of immoral or dishonorable conduct, or whose means are in a disorderly condition beyond the circumstances of his position, or who is unable to carry on his official business, may be dismissed from service by a disciplinary sentence. Officials who may be discharged at any time shall not be subjected to a disciplinary sentence (Article LXVII).

All those who are dismissed shall lose their claim to the pension, excepting in cases of incapacity without any fault on their part.

4. Examinations in disciplinary proceedings (of heading 3) shall be undertaken by the Gunchō and the sentence to be passed shall be decided upon by the Gun Council. Against such decision a complaint may be made to the Fu or Ken Council and against the decision of the latter an action may be brought in the Administrative Court.

The superintending authority may order suspension from official duty of an official or stoppage of his salary, before disciplinary sentence is finally passed.

CXXIX. When any town or village official or servant has to indemnify the town or village on account of negligence of duty on his part or of exceeding his competency the matter shall be decided by the Gun Council. Against such decision,



a complaint may be made to the Fu or Ken Council within seven days from the day on which the decision is served, or otherwise notified and against the decision of the latter an action may be brought in the Administrative Court. When such complaint is made the Gun Council may temporarily attach the property of the party bringing the action.

TITLE VIII.—SUPPLEMENTARY PROVISIONS.

CXXX. Until the Gun Council, the Fu or Ken Council, and the Administrative Court are instituted, the official duties of the Gun Council shall be performed by the Gunchō, those of the Fu or Ken Council by the Fu or Ken Chiji, and those of the Administrative Court by the Cabinet.

CXXXI. For the first elections, the official duties of the Chochō or Sonchō and the town or village assembly shall be executed by, and the matters left to town or village by-laws to be determined, shall be determined by the Gunchō or other officials designated by them.

CXXXII. This law shall not apply to Hokkaido and Okinawa ken, and to other islands to be designated by Imperial ordinances, for which places the organization shall be determined by Imperial ordinances.

CXXXIII. Besides the preceding Article, in localities where special circumstances exist, certain provisions of this law may be suspended by an Imperial ordinances, upon representation of the town or village assembly, of the Chochō or Sonchō or of the Gun Council.

CXXXIV. With regard to Shintō and Buddhist temple associations and to all others of a religious nature, this law shall not apply, and the existing provisions of law and local customs shall be left in their present state.

CXXXV. The term "population" made use of in this law, shall always mean the number of souls according to the latest official enumeration thereof, with the exception of persons in actual military or naval service.

CXXXVI. The classification of existing taxes into direct and indirect taxes in the sense of this law shall be notified by the Minister of State for Home Affairs and the Minister of State for Finance.

CXXXVII. This law shall come into force from the first day of April, 1889, by the direction of the Minister of State for Home Affairs according to the local circumstances on the representation of the Fu or Ken Chiji.

CXXXVIII. Imperial Ordinance No. 130, October, 1876, *i.e.* Regulations for Public Works and for the Management of the Communal Property and Public Loans of Ku, Cho, or Son; Article VI. and the additional clause of Article IX. of Imperial Ordinance No. 17, July, 1878, *i.e.* the law of the Organization of Gun, Ku, Cho, and Son; Imperial Ordinance No. 14, May, 1884, *i.e.* The Law of the Ku, Cho, and Son Assemblies; Imperial Ordinance No. 15, May, 1884; Imperial Ordinance No. 23, July, 1884; Imperial Ordinance No. 25, August, 1885; and all other provisions of law or ordinances which are in conflict with this law shall be abrogated from the day on which the same shall come into force.

CXXXIX. The execution of this law is entrusted to the Minister of State for Home Affairs, who shall issue the ordinances and instructions necessary for the purpose.

*J.W.M.*, 1888, Sept. 15, pp. 252-57.

### 38. SYSTEM OF GOVERNMENT<sup>1</sup> FOR THE THREE FŌ.

(Law No. 12, March 22, 1889)

I. Neither Shichō nor Assistants shall be appointed in Tōkyō shi, Kyōto shi, nor Ōsaka shi; the functions of the

1. To understand this law it is necessary to keep in mind the distinction between a Fu and a Shi, which may be fairly explained by reference to its French analogue, the Prefecture of the Seine and the City of Paris. The two executive officials in Tōkyō were the Governor of Tōkyō-fu and the Chief of the Metropoli-

Shichō shall be exercised by the Chiji, and those of the Assistants by Secretaries.

II. The city councils of Tōkyō shi, Kyōto shi, and Ōsaka shi, shall consist of the Chiji, Secretaries, and honorary (unofficial) members.

III. No treasurer, clerk, or other subordinate officials shall be appointed in the abovementioned shi, their duties being discharged by officials of the Fu Office.

IV. The ku hitherto existing in the abovementioned shi shall be retained, and the city council shall elect to each ku a Kuchō and several salaried clerks.

NOTE.—The number of clerks shall be specially determined by the city council.

V. No Deputy Kuchō shall be appointed in the abovementioned shi, and in the event of the Kuchō being incapable of discharging his duties his chief clerk shall represent him in his functions.

VI. The Chiji of any of the abovementioned shi may cause a Kuchō to assist him in business relating to the administration of suburban or urban districts, and in the business of the Treasurers connected with the ku of the said Kuchō.

VII. Should the amalgamation or separation of the ku in any of the abovementioned shi be necessary, an Imperial ordinance relating thereto shall be issued.

VIII. Each ku in the abovementioned shi shall be an election district for the election of members for the city assembly.

*J.W.M.*, 1889, April 13, p. 357.

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tan Police. In Kyōto and Ōsaka the Governor of the Fu was the executive official. This anomaly in the government of the the Fu was criticised as a reactionary measure in 1889, and formed the subject of an agitation, which has not yet ceased; for complete local self-government; or at least to the same extent as it is enjoyed by other cities, has not yet been granted to the Fu-cities.



## 59. LIST OF CITY GOVERNMENTS.

(Home Office Notification No. 1, February 2, 1889.)

The following is a list of the places at which, under Article CXXVI of the City Organisation Law,<sup>1</sup> promulgated in 1888, city organisations will be established.

Place	Population	Under jurisdiction of Municipality
Tōkyō ... ..	1,121,883	Tōkyō
Kyōto ... ..	245,675	Kyōto
Ōsaka ... ..	361,694	Ōsaka
Sakaye ... ..	44,015	Ōsaka Prefecture.
Yokohama ... ..	89,545	Kanagawa
Kobe ... ..	80,446	Hiogo
Himeji ... ..	22,677	Hiogo
Nagasaki ... ..	38,229	Nagasaki
Niigata ... ..	46,778	Niigata
Mito... ..	19,810	Ibaraki
Tsu ... ..	15,884	Mie
Nagoya ... ..	131,492	Aichi
Shidzuoka ... ..	36,838	Shidzuoka
Sendai ... ..	61,709	Miyagi
Morioka ... ..	30,166	Iwate
Hirosaki ... ..	28,170	Aomori
Yamagata ... ..	26,971	Yamagata
Yonesawa ... ..	29,203	Yamagata
Akita ... ..	29,223	Akita
Fukui ... ..	37,376	Fukui
Kanazawa ... ..	97,653	Ishikawa
Toyama ... ..	53,556	Toyama
Takaoka ... ..	17,974	Toyama
Matsuye ... ..	33,381	Shimane
Okayama ... ..	32,989	Okayama
Hiroshima ... ..	81,914	Hiroshima

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1. See p. 365.

Akamagaseki ...	30,825	Yamaguchi
Wakayama ...	54,868	Wakayama
Tokushima ...	57,456	Tokushima
Takamatsu ...	37,698	Kagawa
Matsuyama ...	29,487	Ehime
Kōchi ...	30,987	Kōchi
Fukuoka ...	42,617	Fukuoka
Kurume ...	20,907	Fukuoka
Kumamoto ...	44,384	Kumamoto
Kagoshima ...	45,097	Kagoshima

*J.W.M.*, 1889, February 9, p. 132.

#### 60. REGULATIONS FOR FU AND KEN ASSEMBLY ELECTIONS (FUKENKWAI-GIIN-KISOKU).

(Law No. 6, Feb. 23, 1889.)

I. The Headman of a town (cho) or village (son) shall, on or before September 15th in every year, examine the register of the voters under the jurisdiction of the town or village office, and shall forward to the District (Gun) Magistrate a copy of the same by October 1st.

In the register there shall be inscribed the voters' full names, addresses, dates of birth, and the amounts of taxes and the places where they are paid.

II. The District Magistrate shall examine the voters' lists presented by the Headmen of the towns and villages, and shall draw up a list of all the voters in the jurisdiction of the District Office, by October 15th.

III. The Mayor (Shichō) shall on or before September 15th in each year prepare an election register, and draw up the voters' list by October 15th.

The matters to be written in the district list shall be the same as those prescribed by clause 2 of Article I.

IV. In determining the age and term of years mentioned in Article XIII of the Prefectural Assembly Regulations (Fukenkwaikisoku)<sup>1</sup> the date of compiling the voters' list shall be used as the day from which all calculations shall be made. Only those taxes which have been paid during a period of more than one full year, and paid continuously for that period, shall be counted. However, if during the interval property has been inherited, the taxes paid by the original owners shall also be counted in the sum paid by the person who has inherited the property.

V. Electors who are paying taxes in places other than the city, town or village in which they reside shall furnish to the Mayor of the city or the Headman of the town or village in which they reside information as to the amount of such taxes and a certificate of the same from the Mayor or Headman of the city or the town or village in which the taxes are paid.

Taxes not reported in accordance with the terms of the preceding clause shall not be counted in determining his qualifications either for voting or sitting as a member of the assembly.

VI. The Mayor of a city or the Magistrate of a district shall, during fifteen days from October 20th, expose the copies of the voters list in the district or city office. The same shall be done in the town or village offices upon the request of some of the persons concerned.

VII. During the period referred to in the preceding Article all omissions or errors in the voters' list shall be pointed out by the persons concerned.

VIII. In the contingency provided for in the preceding Article the Mayor or the Magistrate of the district shall examine into and decide the matter within ten days, and shall immediately act accordingly, notifying all changes made under the premises throughout the district or city, and even in the towns or villages where the persons concerned reside.

IX. In cases contemplated in the preceding Article the

1. Imp. Dec. No. 18, 1878. *Supra* pp. 272 ff. \*



Mayor or the Magistrate of the district shall have power to summon and examine the persons concerned, if a thorough investigation of the case requires such action.

X. If the person concerned is dissatisfied with the decision of the Mayor or the Magistrate of the district he may institute a suit in the Court of First Instance within seven days of the publication of the said decision.

XI. In case of a suit provided for in the preceding Article the Court shall hear the case immediately.

XII. Against the judgment of a Court of First Instance in a suit such as is provided for in the preceding Article an appeal may be made to the Court of Cassation, but not to the Court of Appeal.

XIII. The voters' list shall be finally determined on November 15th, and shall stand without further revision during the year. However, any changes which are necessitated by the findings of a Court shall be made within twenty-four hours and notified throughout the city or district, and even in the town or village in which the person concerned resides.

Moreover, the Mayor or the Magistrate of a district may at any time remove from the list the names of any persons who have lost their qualifications.

The finally revised voters' list shall be used during the year in case substitutional elections have to be held.

XIV. Elections shall be held in February or March, except when the assembly has been dissolved and a new election has been ordered, or when substitutional elections have to be held.

The Governor, with the consent of the Minister of Home Affairs and the Assembly, may order an election at a time other than that stipulated in the preceding Article, if the circumstances of the Prefecture require such a change.

XV. When an election is to be held, the Governor shall announce, at least a month beforehand, throughout his jurisdiction, the date, hours, and place at which the election shall be held, and the number of members to be elected.

The time for polling shall be not less than four nor more than ten hours.

XVI. When the announcement provided for in the preceding Article has been issued, the Mayor or the Magistrate of the district shall cause all the matters mentioned in the said Article to be notified throughout his jurisdiction.

XVII. The Mayor or the Magistrate of a district shall appoint five scrutineers from among the electors of his jurisdiction, and shall request them to be present at the place where the election meeting is to be held on the day appointed for the meeting.

In case it is necessary to hold sub-election meetings, the scrutineers shall, in accordance with the preceding clause, be chosen from among the electors belonging to the sub-election districts.

The scrutineers provided for in the foregoing clauses, shall not be allowed, without proper reasons being given, to decline to act; but in case one of them is absent at the time of the opening of the election meeting, the highest tax-payer among the electors present shall act for him provisionally.

XVIII. The Mayor or the Magistrate of the district shall preside and exercise control over the election meeting. In event of the disability of the abovementioned officials the deputy-clerk (dairishoki) shall take his place.

A clerk of election shall be appointed by the Mayor or the Magistrate of a district from among the city or district clerks.

XIX. The electors may vote at any time between the opening and closing of the ballot-box.

XX. Every place at which an election meeting is held shall be furnished with a ballot-box, a record of election and writing materials.

The ballot-box shall be opened in the presence of the electors in order to show that it contains nothing.

XXI. Ballots shall be furnished at the place where the election meeting is held. The form of the ballot shall be deter-

nined by the Governor and shall be uniform throughout the jurisdiction. Ballots shall be delivered to the electors by the chairman of the election meeting or the clerk.

In case substitute members are to be elected in addition to ordinary members, the ballots shall be divided into two categories,—A and B,—the former being used for ordinary, the latter for substitute members.

XXII. The electors shall vote in person; proxies shall not be allowed.

XXIII. The electors shall write on the ballots the names of the persons for whom they wish to vote along with their own names, and shall affix their seals thereto. In addition their addresses, ranks or orders of merit, and other signs of respect, may be inscribed on the ballots.

XXIV. When an elector casts his vote the chairman of election shall identify him as a person whose name is on the voters' list, shall affix his seal on the ballot and shall cause the elector himself to put his ballot in the box.

XXV. In case of the illiteracy of the elector, the chairman shall cause the clerk to write on his behalf, read the name thus written, and show the ballot to the scrutineers, whereupon the elector shall affix his seal and cast his ballot.

XXVI. No one shall be allowed to enter the polling place except the electors and the officials conducting the election:

XXVII. No one shall be allowed to vote except those whose names are on the voters' list, or who possess a written judgment from a Court declaring that their names should be on the voters' list.

XXVIII. At the polling place no one shall be allowed to speak for the purpose of influencing others, nor to create a disturbance.

XXIX. If some one causes a disturbance at a polling place the chairman shall warn him, and if he does not desist, the chairman shall order him to leave the room. Such a one may, however, be called in later for the purpose of casting his vote.



The chairman may ask for the assistance of the police to maintain order during the election meeting.

XXX. In case a ballot is inserted into the box by a person who is not entitled to vote, or by one who impersonates a voter the chairman shall remove such a ballot from the box.

XXXI. When the time to close the ballot-box has come, the chairman shall order the clerk to close the outer door of the room, and shall then ask whether there are any persons in the room who have not yet voted ; if there be any such he shall cause them to vote immediately and thereafter close the box.

XXXII. Two books of record shall be furnished at every polling place and shall be in charge of two clerks.

XXXIII. Ten minutes after closing the ballot-box the chairman shall open the box in the presence of the scrutineers and take out the ballots. He shall then unseal and examine them and cause the clerks to read the names both of the voters and the persons voted for. The clerks in charge of the records shall inscribe therein the number of votes received by each candidate.

XXXIV. The electors may witness the examination of the ballots.

XXXV. When all the ballots have been examined the chairman shall cause the clerks to record the total number of votes obtained by each candidate, and to read the figures aloud.

XXXVI. The functions of the clerks, such as counting the votes, etc., shall be performed in the presence of the chairman and the scrutineers.

XXXVII. When all the votes have been recorded the chairman shall examine into the eligibility of the candidates, beginning with the candidate who has received the greatest number of votes. If two or more candidates have received an equal number of votes, the chairman shall declare him elected who is senior in point of age, or if their ages be equal, the decision shall be reached by casting lots.

If the facts necessary to conclude an election cannot be obtained at once, such delay as may be required to secure the facts shall be allowed.

In cases of elections in sub-election districts the formalities to be observed are prescribed in Article I.

If the candidate who has obtained the highest number of votes is not eligible to sit in the assembly, the person who has obtained the next highest number of votes shall be declared elected. In such a contingency the Mayor or the Magistrate of the district shall, in addition to the name of the successful candidate, notify throughout his jurisdiction the reasons therefor.

In the event of a successful candidate having his domicile in some other city or district, the case shall be decided in accordance with Article XLI.

XXXVIII. The ballots which have been examined shall be gathered up and the package containing them shall be signed by the chairman, the scrutineers and the clerk.

The ballots referred to in the preceding clause shall be preserved in the city or district office for a year, together with the other documents relating to the election. When a suit or a complaint has been instituted in connection with an election, they shall be kept until judgement has been delivered in the matter.

XXXIX. The following matters shall be written in the election record :—

1. The date and hour of the opening of the election meeting.
2. The names of the chairman and the clerks.
3. The names and addresses of the scrutineers.
4. The details of the meeting provided for in the proviso to Article XXVII.
5. The details of the measures provided for in Article XXX.
6. The time of closing the ballot-box.
7. The number of votes obtained by each of the successful candidates.
8. The names and addresses of the successful candidates,

and also the reasons why an election could not be decided at once, if such was the case.

9. The time of closing an election meeting.

10. Any other matters which the chairman shall deem necessary. In case the settlement of an election has to be postponed, the result when announced shall also be recorded.

XL. The election record shall be sealed and signed by the chairman, the scrutineers and the clerks.

XLI. In case a successful candidate has his domicile in some other city or district, the Mayor or the Magistrate of the district shall refer the matter to the corresponding official in the said city or district, and request a certificate of the candidates eligibility. If the successful candidate should not be eligible to sit in the assembly clause 5 of Article XXXVII shall be applied.

XLII. The following ballots shall be considered as "spoiled":—

1. Ballots cast by those whose names are not on the voters' list, except in cases where a written judgement of a Court was produced.

2. Ballots other than those legally issued by the Governor.

3. Blank ballots.

4. Illegible ballots.

5. Ballots which contain other matters than those legally prescribed.

6. If a ballot is partly legible it shall be counted to the extent that it is legible.

7. If a ballot contains the names of several candidates, one or more of whom are ineligible to sit in the assembly, it shall be counted to the extent of the eligible candidates.

XLIII. A ballot which contains a lesser number of names than that required shall not be considered "spoiled"; neither shall a ballot which contains a greater number of names than is required. In the latter case the names of the candidates in excess shall be struck off beginning with the end of the list, regardless of the provisions of clauses 6 and 7 of the preceding Article.



If the name of a person is repeated on a ballot it shall not be counted more than once.

XLIV. If the names and addresses of the candidates voted for are incorrectly written, or are written in *kana*, the ballots shall not be considered as "spoiled," provided that it is clearly understood for whom the voter wished to vote.

XLV. All questions as to the validity of the ballots shall be decided by the chairman, after consultation with the scrutineers. No protest against the chairman's decision shall be allowed at the polling place.

XLVI. In case a city or district is extensive, or contains islands, and in consequence it would be a great inconvenience to the voters to come to one central polling place, sub-election districts may be created by direction of the Governor, or with his approval.

Although it is not necessary to make a separate voters' list for each sub-election district, the district to which each voter belongs shall be denoted on the list, and the area of each sub-election district and the place at which polling shall take place, shall be notified throughout the jurisdiction.

XLVII. The sub-election meeting shall be opened at the same time as the principal meeting, and the duration of the polling shall be the same in both. The procedure at sub-election meetings shall be similar to that at a principal election meeting. The Governor may, however, permit an election in an island or in some very distant place to be held on a date different from that of the principal election meeting, and at the same time order that the ballot-box used at such a time be returned to the principal election meeting place by the date of polling at the principal election meeting.

XLVIII. Each sub-election meeting shall be presided over by a city or district clerk of high rank. Such a clerk shall be appointed by the Mayor or the Magistrate of a district, or by the Headman of the town or village concerned.

XLIX. When the ballot-box used at a sub-election meet-

ing has been closed, it shall be sealed and be sent to the principal election meeting place being accompanied by the chairman and a clerk. If any of the scrutineers or the electors wish to attend also they may do so.

L. When sub-election district meetings are held, the chairman of the principal election meeting concerned shall, after the closing of the ballot-box, wait for the arrival of the ballot-boxes of the sub-election meetings, and upon their arrival count all the ballots cast in accordance with the provisions of Article XXXIII, and decide upon the persons who have been elected.

LI. When the successful candidates have been determined, the Mayor or the Magistrate of the district shall immediately notify them of their election.

Within five days after such notification has been sent out the successful candidates shall declare their intention to serve in the posts to which they have been elected. If no such declaration has been made within ten days it shall be understood that they have declined to serve.

If a successful candidate declines to serve, the Mayor or the Magistrate of the district shall declare elected the candidate who has received the next highest number of votes.

LII. The results of an election shall be notified to the Governor by the Mayor or the Magistrate of the district.

LIII. The full names and addresses of the successful candidates shall be notified by the Governor throughout his jurisdiction.

LIV. In case substitute members are to be elected in accordance clause 2 of Article X. of the *Fukenkwaikisoku*<sup>1</sup>, such elections shall be held on the same day as the election for ordinary members.

LV. In event of a candidate being elected both as an ordinary and a substitute member of the assembly, he shall be considered an ordinary member, and the candidate with the

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1. See Imp. Dec. No. 18, 1878. *Sinhon* pp. 272 ff.

next highest number of votes shall be declared elected as a substitute member.

LVI. Persons concerned who are dissatisfied with the conduct of an election may request the Governor to void the election at any time during ten days after the publication of the names of the successful candidates. Those who are dissatisfied with the decision of the Governor in such an event may bring suit in the Court of Appeal. The decision of the Court shall be final.

LVII. If after the results of an election have been announced, a candidate be found to be ineligible to sit in the assembly, the Governor shall void his election and shall declare the candidate with the next highest number of votes to be elected. In such an event the circumstances of the case shall be published throughout the jurisdiction.

LVIII. It is permissible to cancel an election and hold another one only when the election was held in the contravention of the Election Regulations; and moreover only when such contravention was flagrant.

In such an event the Governor shall first inform the Home Minister and obtain his approval, and shall publish the fact throughout his jurisdiction.

LIX. Voters guilty of false declarations with regard to their qualifications shall be liable to a fine of from two to twenty *yen*. A candidate for election who has similarly been guilty of false declarations as to his qualifications shall be liable to a fine of from ten to one hundred *yen*.

LX. Anyone who has given or promised to give money, directly or indirectly, in order to obtain votes or enable others to obtain them, or who has hindered others from voting shall be liable to a fine of from five to fifty *yen*. The same liability shall hold good in the case of the recipient of bribes.

Persons referred to in the preceding clause shall be dealt with in accordance with the provisions of Article 234<sup>1</sup> of the Criminal Code.

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1. See foot note on p. 186.



LXI. Anyone entering the polling place carrying arms or lethal weapons shall be liable to a fine of from two to twenty *yen*.

LXII. Anyone guilty of committing an act of violence against an elector, in order to obtain his vote or enable others to obtain it, or to prevent him from voting for another candidate, shall be liable to minor imprisonment for not less than fifteen days nor more than three months, and also to a fine of from two to twenty *yen*.

LXIII. Anyone who has committed an act of violence against an elector, or who has menaced an elector on the way to the poll or at any other time for the purpose of hindering from voting, or who has committed an act of violence against the election officers or scrutineers or who has caused a disturbance in the polling place, or who has detained, broken, or taken by force the ballot-box, shall be liable to minor imprisonment for not less than two months nor more than one year, and also to a fine of from five to fifty *yen*.

LXIV. Anyone who has assembled a mob and is guilty of any of the offences mentioned in the preceding Article shall be liable to major imprisonment for not less than six months nor more than two years. Those who have come together to form the mob, knowing the circumstances, shall be liable to minor imprisonment for not less than one nor more than six months.

LXV. In case a successful candidate is guilty of any of the offences mentioned in Articles LIX-LXIV his election shall be voided.

LXVI. Anyone who is guilty of impersonation or false declaration of his qualifications shall be liable to a fine of from two to twenty *yen*.

LXVII. Charges against persons guilty of offences at elections must be preferred within a period of six months after the date of the election.

LXVIII. Articles XV, XVII, XVIII, and XIX of the *Fukenkwai-kisoku* and those in contradiction of the present law are hereby abrogated.

## SUPPLEMENTARY RULES.

For the 22nd year of Meiji (1889) the Governor shall order the preparation of the voters' list irrespective of the time fixed for the purpose in the present regulations.

In Prefectures where the election of members is necessary before the preparation of the voters' list mentioned in the preceding clause, the old list shall be used, but in other cases the present regulations shall apply.

*H.-Z.*, 1889.

## 61. APPOINTMENT OF LOCAL OFFICIALS.

(Imp. Ord. No. 9, 1890.)

I. Any person who holds or has held for five years an office of or above the fifth class, *hamin* rank, may without examination be appointed Gunchō or Kuchō on being passed by a Chief of the Committee for the examination of Gunchō or Kuchō.

II. Persons thus appointed after being passed by a Chief of the Committee for examination of Gunchō or Kuchō, must be again passed by a Chief of the Committee if they wish to be appointed to a similar post in another part of the empire.

III. Gunchō or Kuchō who have been appointed by a Chief of Committee as above cannot be promoted to a higher office without passing the Higher Civil Service Examination.

*J. W. M.*, 1890, Feb. 22, p. 185.

62. INSTRUCTIONS<sup>1</sup> TO LOCAL GOVERNMENT OFFICIALS.

(Issued by the Home Office and printed by permission by the *Nichi Nichi Shinbun*.)

The period for putting into practice the provisions of the

1. Count Yamagata, in his capacity of Minister of Home Affairs, issued to the Local Governments throughout the Empire on the 25 December, 1889, the instructions of which the above is a translation.

Constitution is now at hand, and the advent of that great political event is awaited impatiently. At the same time the people, engrossed in politics, are forming associations and developing agitation, as is inevitable, while the situation is farther accentuated by difficulties attending the country's foreign relations. At such a season the unique duty of all officials is to discharge their functions with the utmost faithfulness to the Imperial will; to unite earnestly in averting troubles, in aiding the consummation of constitutional government, and in bringing about a good result. I venture, therefore, to entreat you all to join me in performing your difficult offices to the utmost of your ability. Upon you, each in his own sphere, have devolved the arduous functions of local government, and your task is to determine the best way of performing them. Before everything, what you have to consider is that the people may be directed into the route most conducive to their interests, and that you yourselves may follow the path of duty without error, favour, or affection. The executive power is of the Imperial prerogative, and those delegated to wield it should stand aloof from political parties, and be guided solely by considerations of the general good in the discharge of their duties. Of whatever further improvements education, the development of the country's resources, and the growth of enterprise in the interior may be capable, the progress made within the past twenty years is sufficient to inspire confidence. Should that progress be now interrupted or disturbed by political excitement, a retrogressive movement will ensue. This again is a point to be carefully watched, to the end that the people may be led forward in the path of prosperity. It does not follow that local interests are necessarily associated with national interests. The interests of the people of each locality must be specially consulted without reference to general politics. The inhabitants of any one hamlet are concerned in promoting the interests of their hamlet; the inhabitants of any one district, in promoting the interests of their district; the inhabitants of any one prefecture, in promoting the interests of



their prefecture. If you keep this in view in performing your functions, the interests of the whole country will be duly promoted. But if, on the contrary, forgetting their hamlet, their district, or their prefecture, the people become engrossed in the politics of the Central Government, and engage in party discussions connected with elections or political meetings, the effects will make themselves felt even among the lower orders, evil feelings will be nurtured, violence will be encouraged, localities which ought to be devoted to educational purposes will become arenas of strife and clamour, and the growth of household prosperity and national wealth will be checked. The history of other countries shows that no season is fraught with greater danger or demands greater caution than a season of political change, and that at such a season nothing is to be more carefully guarded against than the error of confusing the functions of central administration and local government. To bring local government into conformity with these abstract principles is undoubtedly a matter of great difficulty, but it is to be hoped that each of you, carefully directing attention to them, will select and follow the proper course. Ease and smoothness of administration, friendliness towards the people, absence of estrangement between the upper and lower orders, amicable conduct of all matters lying outside the pale of law and regulation—these are the points to be aimed at. Multiplication of processes, procrastination and delay, causing the people to spend their time fruitlessly—these are the points to be specially guarded against. Let simplicity and the correction of irksome usages be the guiding principles of office. Economy should be the prime object of local finance. Luxury and display, where the material resources of the country are still only partially developed, have the effect of poisoning the sources of wealth. Officials directly concerned in popular government must be pure of life, must eschew mercenary conduct and ostentation. Every degenerate step in local affairs estranges men's hearts and helps to bring about a position from which it is difficult to emerge. The time

is near when results will make themselves visible, but in the meanwhile the question of local administration causes me much concern. I have, therefore, briefly set forth the principles by which you should be guided, in accordance with the Imperial will, and I trust that each of you will closely follow them.

*J.W.M.*, 1890, Jan. 4, pp. 4-5.

63. PENALTIES APPLICABLE IN THE ELECTION OF MEMBERS OF  
CITY, TOWN, AND VILLAGE ASSEMBLIES.

(Law No. 39, May 29, 1890.)

I. Any person who shall procure his enrollment in the list of electors by misrepresenting essential matters relating to his qualifications for voting, shall be punished by the imposition of a fine of not less than 2 *yen* and not more than 20 *yen*.

Any person who has been placed on the list of electors by virtue of his concealing essential matters relating to his qualification for voting, shall be punished by the imposition of a fine of not less than 3 *yen* and not more than 30 *yen*.

II. Any person who shall give or promise to give money, goods, notes, or public or private office to an elector, with the intention of obtaining a vote or of procuring a vote on behalf of another, or of restraining any one from voting for another, shall be punished by the imposition of a fine of not less than 3 *yen* and not more than 30 *yen*.

Any person so accepting any gift or promise shall be liable to similar punishment.

III. Any person who shall offer wine or food to electors in the neighbourhood of a polling booth or on the road by which electors must go or return, or who shall furnish horses, carts, or other means of conveyance to carry electors to or from the polling booth, with the purpose mentioned in the foregoing Article, shall be punished as in Article II.

Persons who shall accept such aid or interest as mentioned in the foregoing paragraph, shall be liable to similar punishment.

IV. Any person who shall pay or promise to pay the expense of any horse, cart, journey or hotel incurred by an elector in going to or returning from the polling booth, with the purpose mentioned in Article II. shall be liable to punishment as provided in Article II.

Any person who shall accept such promise or payment shall be liable to similar punishment.

V. Any person who shall accomplish the purpose mentioned in Article II. by conduct such as noted in Articles II, III, and IV. shall be liable to punishment as provided for in Article 234 of the Penal Code.<sup>1</sup>

VI. Any person who shall conduct himself violently towards an elector with the purpose mentioned in Article II. shall be punished by minor imprisonment for not less than fifteen days and not more than three months, and by a fine of not less than 2 *yen* and not more than 20 *yen*.

VII. Any person who shall use threats to or shall abduct an elector, or molest him while walking, or shall by fraudulent means interfere with the exercise of an elector's just rights, shall be punished as provided for in Article VI.

VIII. Any person who shall accomplish the purpose mentioned in Article II. by such conduct as is mentioned in Articles VI. and VII. shall be punished with imprisonment of not less than two months and not more than two years, and by a fine of not less than 5 *yen* and not more than 50 *yen*.

IX. Any person who shall collect a crowd for the purpose of threatening an elector, disturbing the proceedings at a polling booth, or detaining, breaking open, or seizing by force a ballot box, shall be punished with minor imprisonment of not less than two months and out more than two years, and by a fine of not less than 5 *yen* and not more than 50 *yen*.

○ Any person who shall knowingly form one of a crowd of

1. Cf. p. 186, foot note.



persons gathered as above described, shall be punished with minor imprisonment of not less than fifteen days and not more than two months, and by a fine of not less than 2 *yen* and not more than 20 *yen*.

X. Any person who shall offer violence to an election official (*Senkyo Kakari*) or to an official connected with an election, or shall cause a disturbance at a polling booth, or shall detain, break open, or seize by force a ballot box at the time of an election, shall be punished with minor imprisonment for not less than three months and not more than three years, and by a fine of not less than 10 *yen* and not more than 100 *yen*.

XI. Any person who shall by gathering a crowd commit an offence such as mentioned in Article X. shall be punished with minor imprisonment for not less than two years and not more than five years, and by a fine of not less than *yen* 20 and not more than 200 *yen*.

Any person who shall knowingly form one of a crowd gathered as above shall be punished with minor imprisonment for not less than fifteen days and not more than five months and by a fine of not less than 4 *yen* and not more than 40 *yen*.

XII. Any person offending as described in Articles IX. X. XI. who shall be at the time in possession of arms or lethal weapons shall undergo punishment one degree heavier than hereinbefore provided.

XIII. Any persons who shall take part in a procession or crowd, shall burn torches, ring bells, beat drums, sound trumpets or horns, or carry flags or other emblems, or conduct themselves in a manner similar thereto with the purpose of exciting the public during election proceedings in any Gun or municipality where a polling booth is, and shall fail to obey the police when ordered to desist, shall be punished with imprisonment for not less than fifteen days and not more than two months, and by a fine of not less than 3 *yen* and not more than 30 *yen*.

XIV. Any person who shall circulate a rumour to the effect that another who possesses the requisite qualification for a

candidate, cannot stand as a candidate, or is unwilling to accept election, shall be punished with a fine of not less than 3 *yen* and not more than 30 *yen*.

XV. Any person who shall enter a polling booth, while in the possession of arms or other lethal weapons, shall be punished by a fine of not less than 3 *yen* and not more than 30 *yen*.

XVI. Any person who shall post up a placard or similar object with the purpose mentioned in Article II. shall be punished with a fine of not less than 2 *yen* and not more than 20 *yen*.

XVII. Any person who shall vote by fraudulently using the name of another or who, not being qualified to do so, shall vote, shall be punished by a fine of not less than 3 *yen* and not more than 30 *yen*.

XVIII. In the event of an elected candidate being punished under Articles II. to XVI. the election shall be null and void.

XIX. Offences which are specially provided for in the Penal Code, in addition to those hereinbefore referred to, shall be visited with the major degree of punishment applicable to them.

XX. In the case of offences under this law prescription shall be held to apply after a period of six months has elapsed.

XXI. This law shall be applicable to the election of members of assemblies opened and held under the Regulations as to Municipality, Town, and Village Organisations as well as to Law No. 11. 1889, except in the case of elections to municipality, town, and village assemblies.

*J.W.M.*, 1890, June 14, p. 610.

### III.—MISCELLANEOUS DOCUMENTS.

#### 1.—AGITATION FOR REPRESENTATIVE INSTITUTIONS.

##### I. MEMORIAL ON THE ESTABLISHMENT OF A REPRESENTATIVE ASSEMBLY.

(Jan. 17, 1874.)

The opinions contained in the memorial hereto annexed which we have the honor to address to you having constantly been held by us, and some of us during our term of office having repeatedly memorialised you on the same subject, an understanding was come to that after the special embassy despatched to the allied powers in Europe and America should have observed the practical working of such institutions, steps should be taken after due consideration of the circumstances. But although several months have elapsed since the return of the embassy to this country, we do not learn that any measures have been adopted. Of late the popular mind has been agitated, and mutual distrust has sprung up between the governors and the governed, and a state of things has arrived in which it cannot be denied that there are signs of destruction and ruin being ready to break forth at any moment. The cause of this we regret profoundly to say is the suppression of the general opinion of the empire as ascertained by public discussion.

We trust that you will give these remarks due consideration.

(Signed) SOYEJIMA TANEOMI,  
Samurai of Saga-ken.  
GOTÔ SHÔJIRÔ,  
Samurai of Tōkyō-fu.



ITAGAKI TAISUKE,  
Samurai of Kōchi-ken.  
ETŌ SHIMPEI,  
Samurai of Saga-ken.  
MITSUOKA HACHIRŌ,  
YURI KIMMASA,  
Samurai of Tsuruga-ken.  
KOMURO NOBUO,  
Samurai of Miōdō-ken.  
OKAMOTO KENSABURŌ,  
Samurai of Kōchi-ken.  
FURUSAWA URŌ,  
Samurai of Kōchi-ken.

MEMORIAL.<sup>1</sup>

When we humbly reflect upon the quarter in which

1. It is impossible to print all the memorials which were sent in to the government between 1874 and 1881, petitioning for the establishment of a National Assembly. In the first nine months of 1880 no less than thirty petitions were received by the Genro-in, of which twenty-three were forwarded to the Council of State for consideration. The examples which I have included will suffice to convey a fair impression of the arguments which were current at the different stages of the agitation. The expression of the public mind on the subject was not by any means confined to petitions and memorials, but after 1877 found its way into the press to an extent which is surprising. The *Chōya* was the foremost of the champions of the cause, the *Nichi Nichi* of the opponents. In 1875 an Assembly was said to be necessary in order to determine whether or not there should be war against Korea, in 1880, in order to induce the foreign powers to revise the treaties. All through the period it was reiterated that a Representative Assembly would improve the administration, reduce the expenditures of the Government, decrease the burden of taxation, etc., and, moreover, was it not a natural right of the people to be represented in the government? As opposed to the agitation, the *Nichi Nichi* pointed out that it would be wiser to be content with the Assembly of Local Governors for the present. As a general thing it advocated patience and slow action, though upon occasions it stigmatised sharply the motives of the agitators.

No attempt is made to represent by documents the activities of the political parties which flourished after 1881. There is no lack of such materials, party platforms, statements of principles, etc., but the history of political parties of this period has already been published in the Transactions of this Society (Vol. XIX, Part III).

the governing power lies, we find that it lies not with the Crown (the Imperial House) on the one hand, nor with the people on the other, but with the officials alone. We do not deny that the officials respect the Crown, and yet the Crown is gradually losing its prestige, nor do we deny that they protect the people, and yet the manifold decrees of the government appear in the morning and are changed in the evening, the administration is conducted in an arbitrary manner, rewards and punishments are prompted by partiality, the channel by which the people should communicate with the government is blocked up and they cannot state their grievances. Is it to be hoped that the empire can be perfectly ruled in this manner? An infant knows that it cannot be done. We fear, therefore, that if a reform is not effected the state will be ruined. Unable to resist the promptings of our patriotic feelings, we have sought to devise a means of rescuing it from this danger, and we find it to consist in developing public discussion in the empire. The means of developing public discussion is the establishment of a council-chamber chosen by the people. Then a limit will be placed to the power of the officials, and both governors and governed will obtain peace and prosperity. We ask leave then to make some remarks on this subject.

The people whose duty it is to pay taxes to the government possesses the right of sharing in their government's affairs and of approving or condemning. This being a principle universally acknowledged it is not necessary to waste words in discussing it. We therefore humbly pray that the officials will not resist this great truth. Those who just now oppose the establishment of a council-chamber chosen by the people say: "Our people are wanting in culture and intelligence, and have not yet advanced into the region of enlightenment. It is too early yet to establish a council-chamber elected by the people." If it really be as they say, then the way to give to the people culture and intelligence and to cause them to advance swiftly into the region of enlightenment is to establish a council-chamber chosen by the

people. For in order to give our people culture and intelligence and to cause them to advance into the region of enlightenment, they must in the first place be induced to protect their rights, to respect and value themselves, and be inspired by a spirit of sympathy with the griefs and joys of the empire, which can only be done by giving them a voice in its concerns. It has never happened that under such circumstances the people have been content to remain in a backward condition or have been satisfied with want of culture and intelligence. To expect that they shall acquire culture and intelligence by themselves and advance by themselves into regions of enlightenment is like "waiting a hundred years for the water to clear." The worst argument they put forward is that to establish a council-chamber at once would be simply to assemble all the blockheads in the empire. What shocking self-conceit and arrogant contempt for the people this indicates! No doubt there are among the officials men who surpass others in intelligence and ingenuity, but how do they know that society does not contain men who surpass them in intelligence and knowledge? Whence it may be inferred that the people of the empire are not to be treated with such arrogant contempt. If again they deserve to be treated with arrogant contempt, are the officials themselves not a part of the nation, in which case they also are wanting in intelligence and culture? Between the arbitrary decisions of a few officials and the general opinion of the people, as ascertained by public discussion, where is the balance of wisdom or stupidity? We believe that the intelligence of the officials must have made progress as compared with what it was previous to the Restoration, for the intelligence and knowledge of human beings increase in proportion as they are exercised. Therefore to establish a council-chamber chosen by the people would promote the culture and intelligence of the people and cause them to advance rapidly into the region of enlightenment. The duty of a government and the object which it ought to promote in the fulfillment of that duty is to enable the people to make progress.



Consequently in uncivilised ages, when manners were barbarous and people fierce, turbulent and unaccustomed to obey, it was of course the duty of the government to teach them to obey, but our country is now no longer uncivilised, and the tractableness of our people is already excessive. The object which our government ought therefore to promote is by the establishment of a council-chamber chosen by the people to arouse in them a spirit of enterprise, and to enable them to comprehend the duty of participating in the burdens of the empire and sharing in the direction of its affairs, and then the people of the whole country will be of one mind.

How is the government to be made strong? It is by the people of the empire becoming of one mind. We will not prove this by quoting ancient historical facts. We will show it by the change in our government of October last. How great was the peril! What is the reason of our government standing isolated? How many of the people of the empire rejoiced at or grieved over the change in the government of October last? Not only was there neither grief nor joy on account of it, but eight or nine out of every ten in the empire were utterly ignorant that it had taken place, and they were only surprised at the disbanding of the troops. The establishment of a council-chamber chosen by the people will create community of feeling between the government and the people, and they will mutually unite into one body. Then and only then will the country become strong.

We have now proved our position by universal principles, by the actual political state of our country, by the duty of a government and by the change which occurred in our government last October. Our belief in the justice of our views is strengthened, and we are firmly of the opinion that the only way to develop and maintain the destinies of the empire is to establish a council-chamber chosen by the people and to develop public discussion among them. We will not here enlarge upon the

manner in which the idea is to be wrought out, as that would occupy too much space.

We are informed that the present officials, under the pretence of being conservative, are generally averse to progress, and they nickname those who advocate reforms as "rash progressives," and oppose their opinions with the two words "too early." We ask leave to make an explanation here.

In the first place we do not comprehend the phrase "rash progression." If by rash progression is meant measures which are heedlessly initiated, then it is a council-chamber chosen by the people that will remedy this heedlessness. Do you mean by "rash progression" the want of harmony between the different branches of the administration, and the postponement of urgent matters to the less urgent in a period of reform, so that the measures carried out are wanting in unity of plan? The cause of this is the want of a fixed law in the country, and the fact that the officials proceed according to the bent of their own inclinations. The existence of these two things proves the necessity for establishing a council-chamber chosen by the people. Progress is the most beautiful thing in the world, and is the law of all things moral and physical. Men actuated by principle cannot condemn this word progress, but their condemnation must be intended for the word "rash," but the word "rash" has no connection with a council-chamber chosen by the people.

We are not only unable to comprehend what the words "too early" have to do with a council-chamber elected by the people, but our opinion is directly the opposite of what this phrase expresses. For if a council-chamber chosen by the people were established to-day, we may fairly suppose that it would not be expected to be in complete working order until many months or years had elapsed. We are only afraid therefore of a single day's delay in establishing it, and therefore we say that we hold the exact opposite of this opinion.

Another argument of the officials is that the council-chambers now existing in European and American states were not

formed in a day, but were only brought into their present state by gradual progress, and therefore we cannot to-day copy them suddenly. But gradual progress has not been the case with council-chambers only ; all branches of knowledge and science and art are subject to the same conditions. The reason why foreigners have perfected this only after the lapse of centuries, is that no examples existed previously and these had to be discovered by actual experience. If we can select examples from them and adopt their contrivances, why should we not be successful in working them out? If we are to delay the using of steam machinery until we have discovered the principles of steam for ourselves, or to wait till we have discovered the principles of electricity before we construct an electric telegraph, our government will be unable to set to work.

Our object in seeking to prove that a council-chamber elected by the people ought to-day to be established in our country, and that the degree of progress amongst the people of this country is sufficient for the establishment of such a council-chamber, is not to prevent the officials from making use of various pretexts for opposing it, but we are animated by the desire that by establishing such a council-chamber public discussion in the empire may be established, the spirit of the empire be roused to activity, the affection between governors and governed be made greater, sovereign and subject be brought to love each other, our imperial country be maintained and its destinies be developed, and prosperity and peace be assured to all. We shall esteem ourselves fortunate if you will adopt our suggestions.

#### OPINION OF THE SA-IN.

(Jan. 23, 1874.)

With respect to the memorial presented by Soyejima, a Samurai of Saga-ken and seven others, upon the subject of the establishment of a council-chamber chosen by the people, the principle is an excellent one, and this college having received



sanction to a similar proposal made by itself, has drafted a set of regulations. The suggestion, therefore, will be adopted.<sup>1</sup> At the same time, in view of the instructions issued last year to the Fu and Ken, with respect to Local Assemblies, and the fact that the Home Office has just been constituted, we recommend to the Council of State (Sei-in) that the Home Office shall be called upon to give its opinion, and that after the Local Assemblies shall have been opened, the question of a council-chamber chosen by the people shall then be taken up.

*J.W.M.*, 1874, Jan. 31, pp. 81-83.

## 2. OBJECTIONS TO THE ESTABLISHMENT OF A DELIBERATIVE ASSEMBLY CHOSEN BY THE PEOPLE.

(January 26, 1874.)

To His Excellency SOVEJIMA (SHOSEI.)

"	"	GŌTŌ	"
"	"	ITAGAKI	"
"	"	YETŌ	"

Gentlemen,—I have read your Memorial published in No. 206 of the *Nissin Shinjishi* advocating the establishment of a deliberative assembly chosen by the people, and my esteem and affection for you has been suddenly increased by observing your deep dissatisfaction with the present condition of affairs, and the warmth of your patriotic feelings. At the same I cannot avoid entertaining some scruples with respect to the immediate establishment of a deliberative assembly in our present stage of progress towards civilization. I would therefore beg to draw your Excellencies' attention to my humble opinions as stated

<sup>1</sup> 1. The Sei-in was never a body of any influence, therefore its adoption of the plea contained in this memorial may have been sincere. At any rate, no action was taken by the Sei-in at the time, except to issue regulations for the *Chūhō-kwan-kwaigi*, an assembly of the high local government officials, concerning which something is said in other parts of these documents.

below, and I trust that without taking account of my inferiority, you will favor me with your observations upon them.

With respect,

KATO HIROTUKI.<sup>1</sup>

In the original memorial, there occurs this passage: "Unable to resist the promptings of our patriotic feelings, we have sought to desire a means of rescuing it from this danger, and we find it to consist in developing public discussion by the empire," etc.

Now the developing of public discussion by the empire is the very thing which all thinking men most earnestly hope for. There is no surer foundation for the peace and prosperity of the commonwealth than this. But here one difficulty occurs to me. What is this difficulty? It is that public opinion is not invariably just and enlightened. Even in the civilised and enlightened states of Europe this sometimes happens. How can it avoid being so in our own imperfectly civilised country?

The object for which a deliberative assembly is created is no doubt the establishment of such constitutional laws as shall place the national peace and prosperity on a firm basis. Now in establishing a constitution and laws, it is necessary to observe minutely the stage of the country and of public feeling, and to choose such a constitution and laws as are suited to them. The reason is that if that be not done, the result will be like putting a round lid on a square pot, and the constitution and laws cannot be said to place peace and prosperity on a sure foundation. It is only wise men who are capable of choosing what is suitable to the present state of things and to the present state of feeling in this country. European scholars say: "What is wanted in a deliberative assembly is wide views; what is wanted in a judicial body is justice." Now it is easy for public opinion to be just, but hard for it to have wide views. This is an evil common

1. A learned student of Chinese knowledge, who for many years was President of the Daigaku.

to the present and former times. What is the cause of it? Is it not the large proportion among the people of ignorant and unlearned persons? An Englishman has said "There is no country in Europe except England where the laws and the constitution are adapted to the wants of the country. The laws and the constitution of other countries are on paper and nothing more." This is a piece of national boasting and it is unnecessary to show that it is an exaggeration, but nevertheless there is some truth in it. The reason is not far to seek. The parliament of England contains a large proportion of wise men, and it is therefore competent to initiate laws and constitutional measures well suited to the wants of the country, but the deliberative assemblies of other countries are unable to compass this. And yet it is proposed to submit the affairs of the empire for discussion to our imperfectly civilised people and to apply the opinions obtained in this way toward the framing of laws and a constitution. It is to be feared that this would be like climbing trees to catch fish.

Fredrick II, a former King of Prussia was a prince of rare merit, and at a time when a despotic form of government was everywhere established and was approved of by a majority of the most talented writers of the day, he was alone in maintaining the inexpediency of an absolute form of government and argued in favour of the extension of popular rights. It was a saying of his that the prince is only the first magistrate of the nation and that he has no right to exercise absolute sway over the people. Posterity has called him the father of reform in Europe on account of the reforms which he introduced into the laws and the constitution, and the restrictions he placed on the royal prerogative, but even he did not establish a deliberative assembly chosen by the people, but retained in his own hands the powers of government and exercised absolute authority. It is probable, however, that in reality it was not because he was desirous of using the powers of government in a despotic way that he did so, but simply because he saw that the Prussian people at that



time were not sufficiently civilized, and that their views were not yet advanced enough to admit of their being entrusted with a share of the government.

Again at the present moment Russia has not yet been able to establish a sure deliberative assembly chosen by the people. The reason is that the views of the people are not advanced enough to make it possible to give them a share in the government. And yet it is expected that what is found impossible in Russia can be carried out in Japan. This is hard to believe. It is no doubt true that our nation is gradually moving towards enlightenment, but the peasant and merchant class are still what they have always been. They rest satisfied in their stupidity and ignorance, and it has not yet been found possible to rouse in them the spirit of activity. The soldier class alone is far in advance of them, but still how few there are in it who understand the principles of things? If, for example, one puts to them such a questions as "What is a government? What are subjects? What right has a government to levy taxes? On what does the right of a government to exact military service depend?" or other simple questions of a like kind, it will be found that not more than one or two out of ten can give an intelligent answer. Is this not a lamentable state of things? I fear that if, regardless of these facts, we proceed to establish in a sweeping way a deliberative assembly chosen by the people, the only fruit of such public discussion will be foolish ideas not worth consideration. Still if it is nothing more than foolish ideas it does not so much matter. But it is impossible to prevent great evils to the commonwealth resulting from such a course. For when a people whose intelligence is insufficiently developed is put in possession of the rights of free citizens, they do not know how to exercise them duly, and hence they fall into license, and so the danger of ultimately injuring the public peace and prosperity is incurred. Ought we not to dread such a result? The learned men of Europe of the present day are united in the opinion that while

for a civilised country a deliberative assembly chosen by the people is a necessity, for an imperfectly civilised people it is a source of mischief. I make the following extract from a short treatise on Government published by one of these writers named Wildermann (*sic*), a German, which will show that my statements are not founded on mere conjecture. [Extract omitted.]

In the original memorial this passage is found:—"The way to give our people culture and intelligence and to cause them to advance swiftly into the region of enlightenment is to establish a deliberative assembly chosen by the people." But I have shown above the mischief which would result from the hasty establishment of a deliberative assembly chosen by the people. Where would be the opportunity of awaiting the advantages of civilization?

Again this passage is found in the memorial. "The worst argument they put forward is that to establish a deliberative assembly at once would be to assemble all the blockheads of the Empire. 'What shocking self-conceit and arrogant contempt for the people this indicates.' There is some little truth in this. Even among the statesmen of the present day it is impossible but that there should be some who are only imperfectly enlightened. But judging from what I have been able to see and hear, outside of the present government, not more than a few tens of men can be found of distinguished ability. A few tens among 30,000,000 is hardly enough to raise the average level of the popular intelligence. They are certainly not enough to entitle us to describe them as a civilised nation. And even if we suppose that the government is not self-conceited and arrogant, they still find it necessary to entrust to themselves the business of the Empire for a time.

The memorial says that "The duty of a government and the object which it ought to promote in the fulfilment of that duty is to enable the people to make progress," etc. This is very true. Our country is not exactly barbarous but yet its civilisation is far from perfect and the people are too prone to

submissiveness. This is greatly to be lamented, But if the government wishes to excite in the people the spirit of activity and to teach them to take a share in the conduct of the business of the empire, this object is not to be obtained simply by the establishment of a deliberative assembly. The only method of obtaining it is by the establishing of schools and thus nourishing the nation's intellect. The self-reliant and active character of the Prussian nation at the present day which has at last raised it to the position of the most powerful nation in Europe, has not been due to the establishment of a deliberative assembly, but to the fact that since the time of Fredrick II, the Prussian Government has devoted itself to the cultivation of the people's minds.

The memorial again says,—“How is a government to be made strong? It is by the people of the empire becoming of one mind,” etc. This is incontrovertible. Nevertheless this advantage will hardly be gained by the sudden creation of a deliberative assembly. The only plan open to us is by turning our attention without loss of time to nourishing the intelligence of the nation and thus to render our country sufficiently civilised to admit of the establishment of a deliberative assembly.

The original memorial has this passage—“We have now proved our position by universal principles, by the actual political state of the country,” etc.

Now reform is a good thing in itself. But if it is desired to introduce reforms suddenly, it is impossible not to fall into the evil of rash progress. There is nothing like steadily nourishing the intelligence and acting as far as possible in a gradual way.

The memorial then speaks of “rash progression,” etc. I do not object to the statement that a deliberative assembly chosen by the people would deal with affairs in a wisely conservative way, but what I assert is that the abrupt establishment of a deliberative assembly cannot avoid the reproach of



being a rashly progressive measure. The reasons of this I have sufficiently pointed out above.

I hope I have made tolerably clear wherein I agree and wherein I differ from the memorial.

P.S. Such are in a general way the humble opinions to which I would draw your attention. I shall think myself fortunate if you will kindly favor me with your observations. This memorial is probably the germ of a deliberative assembly chosen by the people to be established at some time in the future, and no one would be better pleased at such a result than myself, in spite of the objections I have thought it my duty to urge against it.

In short it is my conviction that although for a time it is necessary that the government should exercise absolute authority, yet the great principle must not be forgotten that the government is made for the people, not the people for the government, and that it is needful to raise our country to the rank of a civilised nation by following implicitly the policy of Frederick in restricting the powers of the government, extending as far as possible the private rights of the people, encouraging liberty of speech, and promoting education.

Your memorial suggests one more remark. What do you think of the plan, which has already been carried out in one or two ken, of having for a time in the Fu and Ken assemblies constituted by choice from the samurai and the upper and middle classes of the common people, and which should discuss the internal affairs of their own Fu and Ken? The adoption or rejection of their decisions should, however, be entrusted for a time to the Chiji or Kenrei. I am yet unable to form any opinion as to whether it will be attended with the success which is hoped for from it, or whether it may not do more harm than good.

I hope, gentlemen, that you or the public will favor me with your observations on the statement of my views.

*J.W.M.*, 1874, Feb. 14, pp. 121-123.

3. REPLY OF SOYEJIMA, GŪTŌ AND ITAGAKI TO KATO'S ARGUMENT AGAINST REPRESENTATIVE GOVERNMENT IN JAPAN.<sup>1</sup>

(February 20, 1874.)

We have carefully perused and re-perused the memorandum lately published by you, Mr. Kato, setting forth your doubts as to the advisability of establishing a deliberative assembly chosen by the people, and we can see that you have applied yourself to the subject with great care and industry. It may truly be called a generous present. We should be acting in opposition to your own wishes if we left it unanswered, and we therefore put forward a summary of our views.

You make the following extract from a German writer:—

"In discussing the forming of a government it is in the first place necessary to show clearly the degree of progress which the country has made and its actual condition, etc." This is what Europeans call the superiority in knowledge of the 19th over the 18th century. Our advocacy of the establishment of such a council-chamber is based upon the imperative necessities of the actual condition of our country, and we say that we are speaking of the 19th century.

The establishment of the reformed government which we have at this moment came entirely from below. In the commencement it was the low-class samurai (somo) and ronins who raised the cry and roused the clansmen who in turn roused the chiefs of the clans. With unity of purpose and combined action they placed the young Emperor at their head, and thus overturned the administration of the Tokugawa family. In forming a (new) constitution, the Imperial Oath<sup>2</sup> was promulgated, according to which all measures were to be decided by equitable discussion. In particular, all the clans were made to send up councillors, who were to take a share in the general

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1. It is interesting to note that during the interval between the presentation of the original memorial and this reply, one of the original signatories, Etō Shimpei, headed a rebellion in Saga Ken against the Government.

2. *Supra* p. 8.

business of the empire. By this means the grand achievements of the surrender to the throne of the territories and retainers of the daimyō, the formation of the administration of the fu, han and ken, and the conversion of han into ken were performed. All these measures were based upon the collective judgement of the lower (class subjects of the Emperor), and decided by the general opinion of the empire, while the Imperial Court reaped the fruits. It was for this reason that vast and wide-reaching as these measures were, their execution was easy and swift. After the conversion of the han into ken the appointment of the public councillors (Kōginin)<sup>1</sup> was discontinued, and the state of things which followed was not free from the abuses of a bureaucracy. The form of government which has of late prevailed resembles most what is called in English an "oligarchy," and its abuses require to be remedied. To prove the advantages of an absolute monarchy, you quote ancient facts from the reign of the Prussian King Frederick II, which are not applicable to the urgent affairs of our country. Mr. Mill somewhere says that this can be seen from the crises in history like the reigns of Charlemagne, Peter the Great, or the English William III.

"It would be absurd to construct institutions for the mere purpose of taking advantage of such possibilities; specially as men of this calibre, in any distinguished position, do not require despotic power to enable them to exert great influence."

Frederick II was no doubt of the same style as Charlemagne, Peter the Great and William III. The wisdom and the divine valour of His Majesty the Tennō will certainly some day deprive Frederick II and the others of the exclusive enjoyment in Europe of brilliant fame, but His Majesty's years are as yet few, and in face of the urgency of present affairs, it is only by means of a council-chamber elected by the people that our country can be preserved and upraised. The idea of establishing such a council-chamber chosen by the people is simply reviving and completing the system by which council-

1. *Supra* p. 26.



lors (kōshi)<sup>1</sup> were sent up from each clan, and giving full effect to the meaning of the Imperial oath. To leave the actual state of our country out of the question, and to quote ancient facts from the reign of Frederick II seems to be simply carrying on the error of the 18th century writers on politics. Before Frederick II succeeded to the throne he was a pupil of the Frenchman Voltaire, who in fact was the leader of the reformers of the 18th century, and whose views were so widely spread, that in a moment nearly all the sovereigns and statesmen of Europe became reformers. Even the Pope became a reformed Pope. From this may be seen the cause of the reformation of the government of those days. You say we want to do what is impossible, namely, to carry out in Japan what has not yet been done in Russia. Since the extraordinary advent of Peter the Russian government has had a succession of great and war-like Emperors and wise and enlightened statesmen, by whose hands it has been guided, and the sovereigns and their ministers being in accordance with the political condition of the country, the national policy has taken a natural shape. If you will carefully examine the causes which have certainly formed the Russian government, you will understand why it is deficient in a council-chamber elected by the people. We do not, however, desire to give force to our views by unnecessarily discussing the advantages and defects of other constitutions of other countries. Mr. Mill has also discussed this subject, but we will not go out of our way to quote him. But if it depended on the degree of advancement and civilization of the people, the Russians would have to give way before the Greeks. But the Russians do not have a council-chamber elected by the people, because they do not feel the want of it, while it is simply the political condition of the Greeks that has caused them to rely on its benefits.

You say that the condition of the people of this whole country is such that it is not advisable to establish a council-chamber. But we reply that if such is actually the condition of

1. *Supra* p. 21.

our whole people a council-chamber must absolutely be established. You also say that the extreme submissiveness of our people is caused by the low degree of their civilisation. You have reversed cause and effect. The cause of the low degree of civilisation is this extreme submissiveness, and this extreme submissiveness is the result of our hitherto existing institutions. Mr. Mill says:—"Improvement in human affairs is wholly the work of the uncontented characters;" and again:—"If there be a people whose submissiveness is so excessive that it leaves everything to its government, it is the same as caring nothing about such things, and accepting the results when agreeable as visitations of nature. How could such a people be expected to make progress and to desire to raise their civilisation." If we desire to advance the position of the whole of the people we must get them to abandon that excessive submission, and make them recover their original spirit of enterprise; and the way to accomplish this is by correcting the errors of hitherto existing institutions, and that may henceforth conduce to our people's progress.

Mr. Mill says "that a savage people require a despotic government, a people of slaves require a government of guidance, but for a people who have risen above these conditions the only suitable form of government is the representative. To determine the form of government most suited to any people, we must be able, among the defects and shortcomings which belong to that people, to distinguish those that are the immediate impediment to progress; to discover what it is, which stops the way.

"And the form of government which is most effectual for carrying the people through the next stage of progress, will still be very improper for them, if it does this in such a manner as to obstruct, or positively unfit them, for the step next beyond. The Egyptian hierarchy, and the paternal despotism of China, were suitable at the time, but they were brought to a permanent halt by the want of mental liberty and individuality, which want was the fault of their institutions.

"In all states of human improvement ever yet attained, the nature and degree of authority exercised over individuals, the distribution of power, and the conditions of command and obedience, are the most powerful of the influences which make them what they are. Therefore that which most affects the progress of the people is the government. They may be stopped short at any point in their progress, by defective adaptation of their government to that particular stage of advancement. And the one indispensable merit of a government, in favor of which it may be forgiven almost any amount of demerit compatible with progress, is that it causes the people to advance to the next stage."

Besides, if the general condition of the people be left stationary their patriotism will not be able to develop to its normal degree.

Mr. Mill again says:—"Wherever the sphere of action of human beings is circumscribed, their sentiments are narrowed and dwarfed in the same proportion. The food of feeling is action; even domestic affection lives upon good offices. Let a man have nothing to do for his country, and he will not care for it. It has been said of old, that in a despotism there is but one patriot, the despot himself. This completely expresses the evil effects of subjection to a master."

We have already demonstrated that the present state of the country demands urgently the establishment of a council-chamber, and the fact that our people are in a stage when they do not require a government of guidance. Seeing that our people were able not long ago to establish the reformed government why should they be unable to-day to establish a council-chamber? Mr. Mill says:—"There are three things necessary in the condition of a people. Firstly, the people for whom the form of government is intended must be willing to accept it; or at least not so unwilling as to insist on opposing it. Secondly, the people must be able to do what is necessary to preserve this form of government. Thirdly, the people must be able to do



what is necessary for the form of government to fulfill its purposes. If anyone who argues in favor of a particular form of government requires that the people fulfill the first and second of these requirements, and that they also fulfill the third in a greater or less degree, no one can object to his argument."

○ Now if this council-chamber be established, we do not propose that the franchise should at once be made universal. We would only give it in the first instance to the samurai and the richer farmers and merchants, for it is they who produced the leaders of the revolution of 1868. Since we sent in our memorial to the Sa-in, a number of letters have appeared criticising it in the newspapers, but not one of them has condemned the idea of establishing a council-chamber, and they have confined themselves to personal attacks upon us. From this it may be justly inferred that the nation already fulfills the three conditions referred to above. If therefore we collect these tendencies and give them shape, what is now scattered will become concentrated, and their power, when put into motion, of co-operating usefully with the government will be more than anyone can pretend to conceive beforehand. At the beginning of the restoration, there were many opponents of it in the empire, who argued that though it sounded plausible, it never could be carried out. But when the movement once began, the opinion of these people was proved to be wrong by the result. This shows how difficult it is to prove anything by mere words. Why should we therefore hesitate in the present case?

You say that you fear the establishment of such a council-chamber, because it would be a focus of stupid views. But this is by no means certain. The persons who shall be selected to serve as councillors<sup>1</sup> will be men from the towns and country districts, and therefore how can anyone know beforehand that it will not be the focus of wisdom and intelligence? Human nature is such that any man who occupies a public position is certain to become conscious of his own deficiencies, and to give

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1. Members of the proposed council-chamber.

way in silence to those of greater wisdom than himself. This is the case with the English and French councillors, who for the most part follow the leaders of the party to which they belong. We cannot help thinking, therefore, that your fear of its becoming the focus of stupid views is owing to your not having considered sufficiently these points.

You say that we ought to put aside the question of a council-chamber and devote our efforts mainly to the education of the people. To advocate education for the people is undoubtedly the part of the philanthropist. But why do you say nothing about the education of the mental power of the people? We will therefore quote Mr. Mill against you for your benefit, and to prove our principle that the way to promote the knowledge and intelligence of the people, and to accelerate their progress in enlightenment is by establishing a council-chamber elected by the people.

"It is not sufficiently considered how little there is in most men's ordinary life to give them largeness of the sentiments. Their work is a routine, consisting of the contrivances which they are habituated to use for meeting their daily wants. Consequently neither the thing done nor the process of doing it develops the mental powers in the way of conceptions or sentiments. If instructive books are within their reach, there is no stimulus to read them, and in most cases the individual has no access to any person of cultivation much superior to his own. Giving him something to do for the public supplies, in a measure, all these deficiencies. If circumstances allow the amount of public duty assigned to him to be considerable, it makes him an educated man. In ancient times the intelligence of the citizens of Athens was superior to that of other peoples simply because they were able to develop largely their mental powers.

"Among the foremost benefits of free government is that education of the intelligence and the sentiments, which is carried down to the very lowest ranks of the people when they are enabled to take part in national concerns. There are those who

doubt whether the result of the people taking a part in their national affairs can be so great. Yet unless the cultivation of the intelligence and sentiments of the people is to be an empty vision, this is the road by which it must come. If there is anyone who disputes the position that it can only come by this road, I beg him to read the great work of the famous Frenchman M. de Tocqueville:—"It has been said with reference to the education of the people that books and discourses are alone not education. Human affairs are like a sum in arithmetic, not an empty theory, and therefore action can only be learnt by action. This saying ought to be repeated again and again. A child learns to write its name only by practice and is a man taught to use his mental powers and guide his conduct merely by precepts? What can be learned in schools is important but not all important. The main element in the education of human beings is their constant employment. The private money-getting of almost everyone seldom brings his faculties into play, while its exclusive pursuit tends to fasten his attention and his interest upon himself alone, making him indifferent to public affairs and ends by plunging him into selfishness and cowardice. Balance these tendencies by contrary ones, that is, let the people take a part in public business, and in the degree to which he takes a part in public affairs, in that degree his thoughts and feelings will be drawn out of this narrow circle. He then becomes acquainted with varied business, and increases his mental powers; he learns that besides his own personal interests there are interests common to the whole country, and that the general happiness is not his happiness alone, and that it depends partly on his exertions. The desideratum of a general diffusion of intelligence among the people can only be attained by extending the right of criticising public and national affairs to the people.'"

You say that such a council-chamber cannot escape the reproach of "heedless advancement," on the ground of its sudden establishment. But if you will attentively read these



extracts and at the same time consider the state of the empire, you will see that it is not so.

If you had not done the favor to express your doubts, how could we have been able to go so deeply into the matter? For this favor we are really indebted to you. You know by heart all matters European and American. Much aid is always to be derived in national reforms and advancement from the efforts of learned men, and we expect much more from you than these doubts.

(Signed) SOYEJIMA TANEOMI.  
GÔTÔ SHÔJIRÔ.  
ITAGAKI TAISUKE.

*J. W. M.*, 1874, April 25, pp. 325-327.

#### 4. A REACTIONARY MEMORIAL.

(Presented to His Majesty the Tennô, October 1874, by  
Samurai of Kôchi Ken).

It is our humble opinion that the present condition of the empire is becoming daily more pressing, and monthly more and more urgent. The people are filled with suspicion, and no longer know what direction to take, whilst spirited samurai fear that the way of peaceful government of the empire has been departed from and that it will be years before things again attain a settled condition. We have been long in the enjoyment of the Imperial favors, and if at present we stood idly by, and neglected to set forth our genuine grief for the present state of our country, we should be unworthy of being called true servants of Your Majesty. But we are poor and without the means of providing travelling expenses, and we are therefore unable to take a long journey away from our native village. So that our anxious thoughts are wasted to no purpose. We have, however, humbly observed that Your Majesty dispensing

in your great wisdom an enlightened policy to the nation, has established a Deliberative Assembly, and sending forth the Imperial mandate to the four quarters of the Empire, has called upon all even the lowest classes of the cities, to state, without fear of giving offence, whatever views they may entertain. If we were now to remain silent, we should not only be thwarting the intention, which Your Majesty has condescended to make known, of putting aside your own ideas and ascertaining the desires of the people, but might never perhaps have another similar opportunity. In spite of our own meanness, therefore, we humbly beg to lay before Your Majesty this paper in which we have discussed each matter in a separate paragraph.

I. It is a just principle that in establishing the laws and institutions of any country, the feelings and customs of its inhabitants should be conformed to. In this Empire there are Imperial institutions. Europe and America have institutions of their own, and the same is true in respect to other parts of the world. In this empire the fundamental relations of lord and vassals, of parent and child, are established firm and unchangeable as a mountain. In China, the transfer of the Empire from Gió to Shu is praised as a noble and magnanimous act, but it resulted afterwards in the exile of To and the punishment of Bu. It is impossible to enumerate all the occasions on which these names were evoked in after-times as a justification of regicide and parricide. France is described to us as an enlightened, wealthy, civilised, and warlike country, but their king was made prisoner by the Prussians, and we have not heard that even one Frenchman died a sacrifice to patriotism and high principle. But is it not enlightenment and civilisation where lord and vassal, parent and child, husband and wife, each observe faithfully their relative duties; where governors and governed live amicably together; where there are no starving paupers in the streets, or robbers on the moors, and where people are slow to private quarrel, but zealous to combat in the cause of their country? How can we first suppress courtesy and shamefacedness, and then account it enlightenment and civil-

isation? For these reasons if we honor and maintain our Imperial form of government, and follow the precepts of the sages, it will necessarily become manifest whether a comparison is favorable to them or to us. But if we want only to imitate the customs of European countries, it is impossible to say that this evil may not lead to the insidious introduction of what is known to them as a republic.

II. The Court regulations for ceremonies and dresses were instituted by our ancestors, and have been observed by a long line of Emperors. They should not be altered without good reason. If there are some which are inconvenient, and which ought to be altered, this should not be done without first announcing the change at the tombs of the Emperors' ancestors and publishing it to the people. But now this is not done. Everything has been changed in imitation of European dress and ceremonies with the sole exception that the Shintō officials are allowed to retain the old forms of ceremony. The result is that not only are the people wholly unused to European forms of ceremony, but even officials, although at the public offices they imitate the European practice, adhere to the old customs when at home. In Japan, it has always been the custom to salute in squatting posture, but they consider it polite to stand. The Shintō officials alone are made to follow the old customs. Does this mean that in paying honors to our ancestors they are to worship in squatting posture but that towards other officials or towards the foreigners they are to adopt a standing position? And are officials to stand at audiences, or when they meet foreigners, but to worship in a squatting posture when paying their respects at the tombs of their ancestors? If this is really to be the case, we at any rate cannot see the fitness of such an arrangement; matters of ceremony should not be dealt with in such an off-hand manner. We pray that the regulations of our ancestors be at once reverted to.

III. Lately schools have been established in every parish, whether urban or rural, to which children of all classes are



admitted. In addition to this, a large number of students have been sent to European countries, and caused to investigate their learning. At no time in history has learning been so flourishing. In education, however, the chief attention is directed to European studies, and the doctrines of the Chinese sages seem on the point of being discarded. It appears to us that the doctrines of the Chinese sages accord well in many points with the Shintō religion, and about 1600 years have now elapsed during which they have been held in high esteem by an unbroken succession of Emperors. Would it not be an error to do away entirely with them? Education should consist, first of all, in the study of our native writings by which we learn the superiority of our national constitutions over those of all foreign nations, and next in acquiring a knowledge of the doctrines of the (Chinese) sages, by which we learn the virtues of loyalty, filial piety, benevolence, and justice. After that the pupil should be taught to read European books, by which his understanding may be more and more enlarged. Any other course will end in exalting them and in thinking meanly of others and must speedily result in causing us to fall into the snares of an evil religion. Even now the religion of Jesus is flourishing in the metropolis, and there is danger of it spreading over the empire. Now the religion of Jesus is one which shows its respect for heaven by misrepresenting heaven, and whose mode of teaching men is to lead them astray. It is a religion which has the evil result of causing men to make naught of their lords and parents. If it is not now strictly prohibited, it threatens to raise its hopes even to the Imperial throne. Is not this a truly alarming state of things? We have humbly observed that the fact of the Imperial line having remained unbroken from the first foundation of the Empire until now is due to the Imperial glory being shed abroad throughout the land, and the people enjoying the blessing of Imperial favor, to the hearty observance of the respective duties of lord and vassal, and to a just distinction being maintained between high and low. But the students

of western learning call those bigots who respect the religion of our empire, and ridicule as students of a far-fetched philosophy those who read Chinese books. But what do we mean by "bigot"? Is it not a person who holds fast to one thing and is incapable of progress, and would not we call it a far-fetched philosophy when a man is ignorant of the good and bad qualities of things that are before his eyes, and starts off in pursuit of that which is high and distant? Is not the bigotry of the students of western learning of the worst kind, for they do nothing but assert the fitness of the customs of foreign countries distant 10,000 *ri*, and are ignorant of the reverence due to the gods, and of the utility of the doctrines of the sages.

We pray that Your Majesty will encourage the true learning, and prohibit evil doctrines, thereby maintaining sternly the right system of education.

IV. There are at present many matters with which the State has to deal, but among them none is more pressing than to stir up the spirit of the samurai, and to calm the minds of the people. The reason why our empire has never been exposed to insult since its foundation is that the original high spirit of the samurai has been preserved. If it had not been preserved, how should we ever have been able to confront all the great continents on equal terms? In spite of this, however, the samurai have been relieved of their proper office and a system introduced which brings them to the same level as all classes of subjects. This is a name and not a reality. The samurai devotes his powers to the acquirement of learning and the art of war, and turns his attention to matters of State, and although it is desired to deprive him of the one thing in which his *forte* lies, and to convert him all at once into a peasant, it is impossible to do so, nor is it possible for him to become an artisan or merchant, however much this may be wished for. He only gives himself up to indolent habits, and consumes to no purpose the allowance issued to him. If a danger arises to our country, of what service will he be in defending it? Under the feudal system a standard

of learning and accomplishments was set up, which the samurai were required to attain, but in spite of this some of them gave way to indolence. Now that there is no such control, all, without distinction of rank, prize luxury and rival each other in adopting new things; they love what is strange, and great and small alike look to foreign countries as their model in all things. No matter what merits a Japanese thing may have they despise and disregard it. What an unnatural state of things is this!

We hope that the samurai may be at once restored to their ordinary functions, that their high spirit may be encouraged, that frugality may be earnestly practised, and that morals may be rendered pure. If these things are not attended to, all our efforts after progress towards enlightenment and civilisation will be vain.

V. In all our reforms of our government there is none in which foreign institutions have not been imitated. We ought certainly to have adopted those inventions in which foreigners excel, viz., fire-arms, ships of war and fortifications, and to have guarded our coast vigilantly by means of them. But since the revolution we have not heard of one great gun having been cast or a single fort having been erected. It is perhaps the plan of our statesmen to conduct our relations with foreign countries in accordance with foreign international law. They think that in our commerce with foreigners sincerity and justice should be the rule. They say that we have already entered into friendly relations with foreigners and if we treat them with sincerity and justice they can certainly have no pretence for invading us. These are not our views. We believe that it is our servile attitude towards foreigners that has hitherto prevented them from attacking us. If in our relations with them we took our stand on our warlike prestige they would certainly become enraged and attack us, even though we committed no breach of faith. We may see that this is so if we observe from what causes they go to war with each other. Their wars are not always owing to unavoid-



able causes; they often proceed from a conflict of interests, or from a rivalry in power and prestige. Ever since 1853 foreigners have despised and mocked us for our servility and have not scrupled to use their military prestige to bring pressure upon us. They have tricked us by their international law and deluded us by their false religion. The spirit they have shown toward us is greatly to be detested. Their international law and good faith and justice are certainly not to be relied on. Why therefore does our government not adopt those things in which they excel and use them for the vigilant defence of our coasts? Large sums of money are now being spent on railways and stone houses. In our opinion if these sums were to be expended on the erection of works for the defence of our own coast this object might easily be attained. We hope Your Majesty will not be led away by these erroneous ideas. It is right, however, to adopt whatever things foreigners excel in.

VI. We have heard a rumor that a difference has arisen between Japan and China, and that we are about to send an expedition against that country. If this be true it is a matter affecting the security and very existence of this empire. For weak though we may think China to be the extent of her armies is several tens of times greater than those of this country. If it is desired to strike a blow against China it will be necessary to raise an army of several hundred thousand men. And even should we attack China with an army of this size, we cannot be absolutely certain to gain the victory. We may win battle after battle and yet we could never capture the Emperor, or reduce the country to submission, while on the other hand if our armies were routed, we should be unable to send reinforcements. This would involve keeping an army on foot several years without disbanding it, and would exhaust the resources of the country. It would then become necessary to levy contributions on the property of the subject. At present the people have not yet found rest from ever changing enactments, and if in addition heavy contributions were exacted

from them they would certainly learn to hate the government. Who can estimate beforehand the magnitude of the evil consequences which would follow if at such a time a man of facts but devoid of principle should come forward as their leader?

In ancient times Toyotomi Hideyoshi wielded the military power of the empire with unexampled ability. He sent Kato Kiomasa and other valiant generals with an army of 160,000 brave samurai on an expedition against Korea. There they had several engagements with an auxiliary force from China, but although they were victorious none of our troops could ever get west of the O-rioku-kō (Arinare). At last after seven years, during which time the army was never disbanded, Hideyoshi died and the troops returned to Japan. In the end we were unable to retain possession of a foot of Korean soil. And this was not owing to the want of skill on the part of our generals, or to cowardice in our troops. They labored under the disadvantage of fighting in a foreign country and were overpowered by numbers. Your Majesty is gifted with great discernment and will not require to ask scholars to tell you whether our present generals are more or less effective than those of Hideyoshi's time. To attack China suddenly with a small army would be a very dangerous step. But your servants are still unacquainted with the circumstances of the case. If our differences with China has arisen from unavoidable causes and it is necessary to send an expedition to deal out to her a just punishment, full of loyal impulse and righteous indignation, we shall of course do our best to make the Imperial glory shine out brightly beyond the seas. And if they take the initiative and invade Japan, it will be the time for us to spare no effort and even to lay down our lives in gratitude for our country. If we are unsuccessful what better can we demand than to die for Japan? Before attacking others, however, we should examine whether our own defences are sufficient. An unsuccessful attack upon an enemy will bring down upon us an attack from them, and if we are unable then to defend ourselves ruin is unavoidable. He who

wishes to attack another ought to look watchfully to his own defences. At the present time our forts are dismantled, our stores are exhausted, we are unprovided with warlike engines, our coasts are unprotected with forts and our frontiers with barriers. How then can the country be defended? There is an old saying "In safety do not forget danger; in a settled state of things do not forget disorder." These things should be the subject of everyday investigation. But they are neglected and nobody examines into them. We cannot imagine what can be the reason of this. There are even some who take delight in troubled times and place their trust in the chances of fortune. Such men tell us that if with a mighty army we assailed the cowards of China they would be crushed like withered twigs, and would without doubt make their submission. Their submission having been received we would return home with an indemnity and not only gain great glory for the empire in the eyes of foreigners but also add to its resources. We are afraid that the members of the government are pleased with talk of this kind and that it may even mislead Your Majesty so as to render unavoidable a course which is possibly avoidable. We are confident that Your Majesty's wisdom is not ignorant of the utter groundlessness of such statements, but the talk in the streets is noisy and unceasing, and we have found it incumbent on us to speak out.

We beseech Your Majesty to consider what we have said, and we beg humbly to lay before You the above remarks. It is said in the Shoo-king :—"A country will stand if ruled after the method of a well-governed country; if things are managed as in a country of disorder it will surely fall." In the reforms which have been introduced since the revolution, has the method been in accordance with that of a well-governed country? Or have things been managed as in a country of disorder? If the former had been the case the people would not be distressed and full of apprehension as they now are, nor would the men of public spirit be lamenting the long unsettled state of the empire. If the



latter has been our practice let it be at once reformed, and let us return to the institutions of our ancestors. What need have we to imitate the customs of foreign countries 10,000 *ri* away?

Unable to contain this genuine outpouring of our stupid loyalty and zealous anxiety we have thus dared to offend against Your Majesty, and in deep humility we await the punishment of the axe for our presumption.

*J.W.M.*, 1874, Nov. 7, pp. 914-16.

##### 5. MEMORIAL ADVOCATING THE ESTABLISHMENT OF A REPRESENTATIVE ASSEMBLY.

(Presented to the Emperor, June, 1877, by the Risshisha.)<sup>1</sup>

With greatest reverence we present to His Majesty the Emperor this, our most humble memorial.

Shortly after Your accession to the throne, the *dainyō* yielded up their territorial rights, their provinces being placed under a central government. The feudal system was thus entirely abolished and the whole country united under one Emperor. Laws were re-enacted; the army, navy, and system of police were established; schools were instituted; the postal system regulated; railways and telegraphs inaugurated.

The rapidity with which this country has advanced in civilisation is unparalleled in the history of the world; so powerful has the nation apparently become, that it may seem to many as though little remains to place it on a level with European and American powers. But in reality our position is far otherwise. Internal strife, and disaffection among the agricultural classes and the *samurai* keep the country in a state of constant uneasiness, while we cannot claim to exercise an external influence equal to foreign powers. Neither the Government nor the people are freed from anxiety for a single day.

1. "The Society of Free Thinkers," a political association organised in Kōchi Ken by Itagaki Taisuke.

It is our opinion that all these evils arise from the fact that Your Majesty's ministers exercise a power solely despotic, the administration being carried on entirely without reference to the opinion of the nation.

We will not recount the various events that have taken place in other countries in ancient times that bear out our opinion, but will merely refer to what has passed in Your own land since Your Majesty favoured us by taking the reins of government.

The cause of the downfall of the *Bakufu*<sup>1</sup> is solely attributable to the tyranny of ministers and to their oppressing the people, instead of considering their wishes. Zealous patriots arose in all parts of the country to overthrow the *Bakufu*. In vain did it fulminate laws and mete out inhuman punishments in order to crush these patriotic spirits. They had yet to learn that tyranny and oppression cannot be relied on for safety as a support; that the united will of a nation cannot be overcome, but will achieve its aim in the end. Thus the power of the *Bakufu* naturally waned, and was at last utterly overthrown by the efforts of the patriots it had relentlessly persecuted.

When Your Majesty came to the throne, the han were still powerful, and the foundations of the government were not firmly laid. But Your Majesty took an oath before the Gods that you would administer the government in accordance with the just will of the nation. In order to ascertain the popular feeling as to the best means to be pursued to put the affairs of the country in order, representatives of the various han were summoned to Tōkyō, and after due deliberation, it was decided that the daimyō should return to the throne the domains which they had held for hundreds of years. This decision was duly carried into effect and the former lords of the han were appointed governors (*Chiji*) of the provinces which, up to that time, they had been in the habit of governing independently.

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1. The name ordinarily used in referring to the Shōgunate.

Your Majesty's Government, not regarding this step as sufficient to consolidate its power, divided the country into fu, han and ken, thus centralizing the power of the administration in the capital, by abolishing the Chiji of the han, and replacing them by Governors of ken. This is the first step we took towards civilisation.

Why did these changes take place? Because the will of a people will have its own way, as surely as water runs down hill. It becomes irresistible. The people have never spoken harshly of the measures which converted han into ken, or which gave heimin equal rights with samurai, because they accord with the national sense of right. It is clear, then, that the oath of the Emperor should be strictly observed, and a representative assembly established in order that the people may have a voice in the affairs of the nation, and that they may aid the ministry in promoting the welfare of their country.

The time has passed for talking about the change of han into ken and of the rights of heimin and samurai. The opportunity for establishing a limited form of government on solid foundations has arrived, and the exercise of the soundest judgement is required to secure that most precious fruit of civilisation, a representative assembly; yet the several members of the administration do not appear to be endowed with sufficient perception to see their opportunity: on the contrary they seem to have resolved to act despotically, and with wilful perversion, to do only what shall please themselves, regardless of the wishes of the nation.

Despotism and oppression were the sins of the administration of the *Bakufu*. Its overthrow can only be regarded as a just punishment for its disrespect toward the Emperor, and its oppressive treatment of the people.

Alas! the present government is following the same course. Laws have been enforced, taxes imposed, the collection of the land-tax reformed, wars declared against foreign countries, portions of the empire exchanged; solely at the caprice of several



officials, without allowing public opinion to have a voice in the matter. The sacred oath taken by the Emperor on his accession to the throne has been altogether set aside.

So great is the distance that separates the government from the people, that the latter look up to it as astronomers look up to the heavens, with the greatest uncertainty. The sky seems continually obscured by threatening clouds whose constant and terrible lightnings and thunders strike terror, if not despair, to the minds of the beholders, who tremble lest they may never see the bright beams of the sun again.

The outbreaks that have recently taken place have arisen from various causes. Those who have misunderstood the intention of the poll-tax; those who have suffered by the reform of the land-tax; those who insisted on an invasion of Korea; those who favoured a return to the feudal system; those who wished the dismissal of certain officials surrounding the Imperial throne; all these have fomented disturbances. If any one, who in the future may write the history of the first ten years of Meiji, shall say that wars ceased not for a day, and that the country was brought to the very verge of ruin, he will fairly well describe the actual condition of affairs.

The duty of a government is to preserve peace in a country; not to interfere with the happiness of the people, and to hinder them from enjoying their primary rights and privileges. With these the Omnipotent has endowed men as surely as he given them bodies and souls, and if a government, relying on its power, endeavours to prevent their full exercise, there is no reason why a people should remain passive under such oppression.

If we look into the condition of various Asiatic nations, we see that although their territory is extensive and their land fertile, the government is tyrannical and the people slavish. The latter have no control over their rights, and are separated from their rulers by a great gulf. The wants of the people do not influence the actions of the government, and so, becoming slavish, they cease to take any interest in the well-being of their

country. In such a case a government cannot become upright nor a people advanced in civilisation.

Since Your Majesty's accession to the Imperial power, though great reforms have taken place, and wonderful improvements have been made, yet the nation is continually plunged into civil war, and the outside world treats us with contempt. Such evils are brought about by the government not paying attention to the will of the people.

First among the prevailing evils, and the one which causes us the greatest anxiety, is the action of the Cabinet in imposing its own oppressive measures without in any way respecting the will of Your Imperial Majesty.

On the 14th of March, 1868 (1st year of Meiji), Your Majesty in the presence of the daimyō and kuge swore before the Gods five oaths.<sup>1</sup> First, that the government should be administered in a liberal manner, and that the will of the nation should be consulted as to the management of its affairs. Secondly, that both the higher and the lower (meaning the government and the people) were to be united in the administration. Thirdly, that your Majesty would consider the rights of the samurai and the people. Fourthly, that old and useless customs should be abolished, and that the action of the government should be progressive. Fifthly, that the wisdom of the world should be adopted to promote the dignity of the Emperor.

Again, on the 14th of April,<sup>2</sup> 1875 (8th year of Meiji), Your Majesty decreed as follows, with regard to the establishment separately of the legislative, executive and judicial bodies, and the institution of a liberal form of government:—

"According to Our oath we do hereby establish the *Genro-In* as the fountain-head of law giving. We create the *Daishin-In* to give strength to upright judicial procedure. We likewise summon the local officials in order to take their opinions on matters affecting the public welfare, and so by degrees to

1. *Supra* p. 8.

2. *Supra* pp. 41-42.

build up a well founded political structure for the welfare of our country, and we are desirous that each and everyone of you should partake in its benefits."

When Your Majesty subscribed to these oaths the people were put into a great state of joy, and on the issue of the above edict could not sufficiently praise Your Majesty's benevolence, looking confidently for the fulfilment of the several pledges. But it seems that Your Majesty's Ministers did not choose to act in accordance with the Imperial will, as before a month had elapsed they ignored it utterly. It is true that a meeting of the Governors of the Provinces did once take place,<sup>1</sup> but in the following year Your Majesty's journey to the North was made the excuse for not summoning them to the capital, which ought to have been done.

Moreover, when the first convocation did take place, sufficient time was not allowed to discuss all the questions put before the assembly. Can it be said, therefore, that public opinion was allowed any expression, or that the people were in any way benefitted?

With regard to the Genro-In, its powers were curtailed and its mode of administration changed at the whim of the Cabinet, so that it became essentially the same as the Sa-In.<sup>2</sup> The Daishin-In met with the same fate directly after its establishment, and was put under the control of the Judicial Department. Thus were the powers of institutions that were intended to act as legislative and judicial bodies, rendered void by the arbitrary will of Your Majesty's counsellors. If the Imperial will be treated thus, what hope is there that people will be permitted a voice in the government, and be allowed to unite with the official class in the administration of national affairs.

Some time ago, the ex-Sangi Soyejima Tancomi<sup>3</sup> urged the

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1. In 1875.

2. This was an institution which was abolished when the Genro-in was created. *Supra* pp. 35 and 42.

3. *Supra* pp. 426-433.



establishment of a representative assembly and the people generally agreed with his views, the lowest classes even expressing a wish to see such an assembly established. But the Ministry disapproved of the idea, saying that it was too early, and that the people were too ignorant. They speak as though they are the only men in the country who know anything, and that all the rest are fools. Yet if they show no desire to do anything for the promotion of the welfare of the people, they are no better than the Ministry of the *Bakufu* whose place they have taken. If this state of things is allowed to continue, when shall we get on to the real road to progress, and when will old and evil customs be abolished?

Those who have held the actual power in the government since the Restoration are composed solely of men from Satsuma, Chōshiu, Tosa and Hizen, and to serve their own interests they all play into each other's hands. Although the Ministry limits its choice of members to the four provinces referred to, surely no one will say that these alone produce men of sense. Is this acting in accordance with the oath of your Imperial Majesty? Is this uniting the best intellect of the nation in an endeavour to promote the dignity of the Emperor?

Your Majesty's Ministers have acted directly contrary to Your Majesty's will, which is that the people shall have a voice in matters of national administration. They have enacted such laws as the press and libel laws, in order, by the former, to stifle all expression of public opinion, and by the latter to ensnare the people in a most obnoxious manner. Those who dare to express an opinion on the government, or who, from their position, might naturally be supposed to concern themselves in the affairs of the nation, are continually under the suspicion of the government, and are not unfrequently arrested. Imprisonment has been made the vile means of silencing all expression of public opinion, and Your Majesty's subjects are thus kept in a constant state of alarm.

The second evil is that the management of this government is conducted in a random and confused manner.

As we have previously stated, the Administration is in the hands of a few despotic officials who act without reference to the opinion or welfare of the nation. This is proof of the bad form of the government which causes all this disorder. All the positions, from the Daijōdaijin to the heads of the various Departments, are filled by men who formerly possessed influence in their various ken, and who received their appointments during the confusion of the civil war. They go about from one department to another, and pretend to be perfectly acquainted with the affairs of each, but in reality they know little, if anything, about them. Witness the length of time they take to execute the simplest duties. The lower class of officials, in imitation of their superiors, treat all public matters in a similar spirit, as though they alone were personally interested in them, and in this way is the government constantly chopping and changing. The officials have probably no special aims. They are men of about equal ability, but one says "go east," the other insists on going west, and hence a state of constant confusion. The Prime Minister can with difficulty hold his own. The legislative body may be called In or Kioku; its nature remains unchanged; it is absolutely powerless. As for the executive Departments, when Governors memorialize the central government it is very partial in its decisions, approving on the part of one Governor what it would reject if coming from another Governor. As for the Judicial Department, although it is supposed to have been founded, its workings are far from satisfactory. For instance, the question of a mere collision between two vessels cannot be decided until after several Departments have been consulted, and though it is cognizant of maladministration in certain ken, it takes no steps to have the evil corrected. Such facts as corrupt officials receiving the assistance of the chiefs of their Departments in carrying out their evil practices are not unknown. The Cabinet Ministers have all their own way. When they wish anything carried out in the several Departments under their control, they bring it before the Cabinet which they themselves

form, and give it their own approval. When a measure is enforced which may benefit one Department, but is unsuitable to another, it is subject to constant alterations. Thus, notifications are always being altered and withdrawn directly after their issue, to the great misguiding of the people. Indeed, the fickleness of the government is so well-known that when a measure is passed, the people say, "Well, it may probably remain in force thirty days," so that the constant issue of notifications causes unending confusion. No sooner have the people become used to the working of some new regulation than it is changed, and though the lower officials must understand how extremely prejudicial all this is to the welfare of the people, yet they are compelled to obey the orders of their superiors without daring to utter a word of protest. All this causes the people to dislike the government.

Such important measures as the enactment of laws and the imposition of taxes are carried out by the government without due consideration, for the reason that there is no system in its administration. At the time of the Restoration, the officials were appointed for a term of four years only,<sup>1</sup> but the regulation was merely a nominal one, never having been carried into effect.

In order to advance the public welfare, public opinion must be allowed expression, and such liberty will be the foundation of our prosperity. Be its ministers ever so wise, it is natural for a government to become despotic. With a country in such a condition as ours, how much more likely is such a state of things to come about.

The third evil is that the power of the country has been too largely concentrated in the central government. Officials who recognised perpetually the evils of feudalism, have gathered to the capital all the powers that were originally in the hands of the daimyō. This power is far greater than it should be, and it seems as though the government was endeavouring to make itself as despotic as possible.

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1. *Supra* p. 10, Article IX.



With the view of facilitating the administration of government, governors were appointed to the various ken with entire powers of jurisdiction over the people placed in their charge. But we find that the actual powers of these governors are limited to the collecting of taxes. No road, bridge or public building can be constructed without first obtaining the approval of the central government. Thus we find the time of all local officials principally occupied in writing letters and attaching seals to documents for transmission to the central government. Their time being thus frittered away, what time have they to give to the consideration of petitions and memorials sent in to them by the people? Every fraction of the taxes has to be sent to the Ōkurashō,<sup>1</sup> while the Naimushō<sup>2</sup> must always be consulted before the most trivial matter can be carried out. Then the continual receipt of notifications from the government, and the constant changing of edicts are sources of no slight amount of vexation. While, therefore, the expenditure of the local offices is strictly limited, they are called upon to perform an unlimited amount of work.

The establishing of schools and the promotion of agricultural industries are no doubt necessary and excellent, but when the ideas are carried out to an extravagant extent at the expense of the people, the only effect is to create a great deal of ill-will.

The country has been divided up into ken, and various offices has been established in connection therewith, but they are so frequently changed, one office being divided into two or three, or several being amalgamated, that the greatest inconvenience is occasioned. The government is, in fact, always endeavouring to decrease the little power possessed by the local authorities, and to concentrate it wholly in its own hands.

Last year the government issued a regulation specifying the term of service of the local officials, and placing in their

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1. The Department of Finance.

2. The Department of Home Affairs.

hands a certain amount of responsibility in their discharge of the affairs of the ken. The authority granted them is, however, far from being sufficient, and in order to check the power of the central government, far more freedom of action must be permitted to the local officials.

The government, in order to prove to the people that its administration is a just one toward them, should encourage the idea of popular government and show, at the same time, that it can be influenced by public opinion. But the action of the present government is the reverse of this, for regardless of such considerations, it seeks only to accumulate the power in its own hands. The dwellers in the cities are rendered bankrupt, and the people in the country are brought to utter poverty. These are the bad results of despotic rule.

The fourth evil is that the military system will never be placed on a proper open footing, until the mode of recruiting the army is made to agree with the form of government.

General conscription and poll-taxes are not matters with which a despotic government should meddle. They can only be imposed by limited forms of government. Reforms can be more readily enforced by despotism, yet our government, despotic as it is, cannot carry out and support measures of reform. In the conducting of a limited form of administration the people unite with the government in the management of the affairs of the country, and peace is, therefore, more likely to be preserved under such a rule than under despotism. The people under limited forms of government pay taxes in order to secure to themselves the happiness that arises from a sense of protection by the government. They hold themselves responsible for the defence of the country and are willing to shed their blood in its cause. This proves that they understand the meaning of self-government.

But under a despotic rule the case is a very different one. The rulers possess absolute power while the people are in a condition very grievous to be borne. Whatever little money

they may possess is wrung from them by taxation. Worse than that, they may be called upon at any time to give their blood. Surely such treatment of its people by a government cannot be pleasing in the eyes of the Gods who govern all. The people under this absolute rule have no responsible existence. The government does what it likes, and enlists troops on the plea of necessary defence of the Emperor. The system of general conscription can never work well unless it accords with the form of government.

Let us show how the military system at present in force was first brought about. After the Restoration the military and civil duties of the samurai were abolished, and a proclamation was issued to the effect that the samurai and heimin should unite in forming an army for the defence of the nation. Regulations<sup>1</sup> were published relative to the enlistment of young men throughout the country regardless of class, for the formation of regular forces. Now we do not hold that this system is bad, but we maintain that it is not suited to the present time, or, in other words, to the present form of government. Since the above regulations were enforced, large barracks have been built; officers dressed out in showy uniforms, the troops furnished with arms of the latest improved pattern, and everything done in splendid form. Yet we see on the occasion of a rebellion breaking out in Kiushiu, the Imperial army finds itself very hard pressed in the engagements in Higo.<sup>2</sup> Not only the whole of the regular army and reserves have to be sent down, but, finding they cannot suppress the insurrection, police forces are armed and despatched to the seat of war, together with large numbers of samurai of various ken. Now police were not intended to be used as soldiers in the field.

The condition of our country may be compared to that of a house ruled over by an obstinate and avaricious steward, who

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1. *Sagwa* pp. 17-18.

2. Many of the engagements of the Satsuma rebellion were fought in the province of Higo.



allows the family a sufficiency of neither food nor clothing, and who even goes so far as to seize their possessions, beating and ill-treating them if they dare to murmur, causing to all the greatest distress. With matters going on in this way, a fire breaks out in an adjoining house which quickly spreads to the dwelling of the steward. The family say, "Well, we have been existing without a sufficiency of food or clothing, and have been despoiled of everything we once possessed. What is the good of our making any efforts to save our own property when it has been taken away from us?" And they run out of the house, saying, "We are lucky as long as we escape with our lives," and they take no pains to extinguish the flames.

Such an excellent institution—that is, excellent in the eyes of the government—as a poll-tax cannot be introduced in such countries as Japan. The people now consider it a cruel imposition. Like the conscription it is only suited to a constitutional form of government, and such is the government that Japan requires. For were a popular government to be introduced, the people would get rid of their miserably slavish customs and ideas, and feeling that they were to some extent responsible for the administration of their country's affairs, they would interest themselves therein, and become happier. They would not then deem their blood too precious to be spent in their country's cause, a feeling of patriotism that is sadly wanting at the present time.

We are of the opinion that the first step toward the formation of a limited form of government was taken when the duties of the samurai were abolished. This was done principally in the interests of the people. Unless it was the intention of forming a limited government, the object of abolishing the duties of the samurai is not apparent.

Under present circumstances the general conscription is useless, and the enormous sums spent in maintaining these forces produce fruitless results. The necessity of sending to the seat of war policemen, who are only enrolled to aid in keeping civil

order in peaceful times, does not arise from indolence of commanders, nor want of discipline among the troops, but because the people have no idea of their responsibility in the affairs of the nation and because nothing is done to acquaint them with their duty. The using of policemen as troops, serviceable as they may be to the government in the present emergency, will not, we fear, prove a good thing in the end. Moreover, it is a mighty wrong that the people should have to supply the means for carrying on war and be compelled to sacrifice their lives on behalf of a government in which they have no part or voice.

The fifth evil is the mismanagement of the finances of the nation.

This is an evil from which all nations have for a long time had to suffer. In any country which has not a limited form of government, the public are, as far as possible, kept in ignorance of the state of the exchequer. Since Your Majesty came to the throne large sums have been expended in wars, public works, and the like. We are well aware, as we see by the dismissal of officials whose services are no longer required, that all unnecessary expenses have been done away with. Accounts of expenditure are also kept. This is all well and good, but the government departments have had branch offices in certain banking establishments, to which portions of the public money have been entrusted. This has been done without first examining the financial conditions of such establishments. But there comes a day when the suspicions of the government being aroused, it desires to withdraw its deposits. Then it is discovered that though the bank may sell off every thing it owns, the proceeds will not suffice to pay back one-tenth of the government money entrusted to its charge. In consequence of this, the government issued certain laws (concerning the depositories of national funds) which were acted upon by all the *fu and ken*, and which by their action brought ruin to many a banking house. The consequences were felt in all quarters and the free circulation of the currency was affected.

The taxes of the *fu* and *ken* are collected and sent directly to the *Ōkurashō*. This causes great scarcity of money in the country and cripples its powers of production. The government shows great activity in promoting schemes for agricultural industries, in opening up *Yezo*, and in establishing manufacturies, but the officials appointed to take charge of such matters utterly mismanage whatever is entrusted to their care, and interfere with the just rights of the farmers and merchants. Hundreds of thousands of *yen* are spent in assisting certain companies, or in forming new ones, but such benevolent acts of the government are confined to certain persons or associations, and in no way exercise any benefit for the public good.

The chiefs of the various departments have full powers to increase or decrease the allowance for their annual expenditure, as they can also increase or decrease the duties of their respective officers. The amount of work, therefore, done by any department depends on the amount of its allowances, instead of the expenditure being in proportion to the work actually done. The taxes represent the fruits of the people's labour, won with great sweat and toil. The government has taxed the people enormously, but we do not see that the revenue is economically used. We see, certainly, estimates of what is apportioned each year to the several departments, but we are not shown how it is expended. Reserve funds and surpluses from the annual allowances are spoken of from time to time, but their existence is very doubtful indeed.

On coming into the capital from the country one is struck with the vast difference there is between the wealth of the former and the wretched poverty of the latter. It seems as though all money had collected in the capital and ceased to circulate in the country. The nation is greatly troubled on account of this, but it is only because the government keeps everything secret from the people. Although it shows them tables of expenditure, it never lets them see the real accounts, as to how such expenditure is conducted.



With whom does Your Imperial Majesty consult with reference to the manner in which the expenses of war, cost of public works, the foreign and native loans, and such like, shall be met? If the people get no return in increased happiness for the taxes they pay, there must be some great mismanagement of the finances.

The sixth is the present system of collecting the land-taxes, which constitutes an oppression too great to be borne by the people.

It is the duty of a government to watch over the people, to govern the country with a view solely to their welfare, and to enable it to do this it is necessary that taxes should be levied. Should the government rightly perform its duties, the people will readily acknowledge their obligations. A proper administration can only be secured through the adoption of constitutional government, and when this takes place many existent evils will be done away. But under a despotic government the people are kept, as it were, slaves. It imposes taxes at will. It boasts of its benevolence, but in reality the people are stripped of their rights and properties, and no heed is paid to their complaints. Owing to feudal influences, the method of collecting taxes has differed in nearly every province, and the issue of the edict providing for a general reform of the land taxes, by which all the land in the country was to be taxed equally, caused great joy among Your Majesty's subjects. But the officials in their haste to carry this into effect caused a vast amount of inconvenience to the farmers, who were compelled to leave the cultivation of their lands, and set to work to survey the ground, prepare maps, do this thing and that thing, while the officials insisted on the taxes being paid before the value of the land was properly settled and apportioned. Thus the good intentions of Your Majesty in issuing this proclamation have been entirely frustrated by the conduct of your Majesty's officials.

The government introduces many reforms which are good

in themselves, but are totally unsuited to its present despotic form, and which result in much evil instead of the good they are intended to produce. When they saw the Imperial decree of the 4th January, 1877, the people's suspicions were again aroused. People pay taxes in order to promote their own happiness, and if they feel secure of this they pay willingly ; but how does the government propose to collect taxes before the value of the land has been settled? The Imperial decree is a good one in intention, but not in practice, for the government can at its pleasure increase or decrease the taxation. The farming class, who are the most peaceable of men, could not see the necessity of all this haste in the change of method of collecting the land tax, and pressed beyond endurance, rose in arms against the government, deeming it better that the old mode should exist rather than that they should be put to such hardships as the speedy reform involved. Surely this was not the wish of Your Imperial Majesty.

The seventh evil is the method pursued by the government in equalizing the rights of the samurai and the common people.

The samurai of Japan form a class that has existed since the middle ages. They were controlled by feudal lords, and their spirit of patriotism, though confined to their own provinces, was noble. They possessed great virtues. They hated the idea of disgrace, they were faithful to their lords, and they interested themselves in the administration of the affairs of their respective han. The lord of a province and his chief advisers were restrained from acts of oppression by the watchfulness of the samurai of the han, who could compel their feudal lord to transfer his duties to another member of his House, or enforce the resignation of an official. Since Your Majesty took the power of the administration into Your hands, the feudal system has been abolished, and the samurai are no longer required. But the samurai still retained their rank and a certain portion of their rights, in consideration of their being superior to the common people in education and knowledge. Steps should

therefore be taken to render the people, by education, the equals of the samurai, so that they may be able to take the same interest in the affairs of their country, and advance in happiness. This is the will of Your Imperial Majesty.

But not only are the people prevented from taking any part in the government, but the effort is made to bring the samurai down to the same slavish level as the lower classes. No matter how cruel or deceptive the edicts of their rulers may be, they are expected to make no remonstrance. A great mistake has been made in endeavouring to lower the samurai to the level of the common people. Encouragement should have been given to the latter to raise themselves to the level of the samurai. Instead of this the government has acted in a directly contrary manner. Great consideration should be given to this question. The samurai have always taken part in the administration of affairs of their various han since the commencement of feudal times; their minds have thus been familiarized with political matters, and they are not content to be deprived of all their prerogatives. Although their services may be no longer required their minds remain unchanged. It is owing to this that nearly all the insurrections that have taken place since the Restoration have been caused by the samurai. To raise a rebellion is undoubtedly wrong, but that the samurai should be driven to do so is certainly due to some mismanagement on the part of the government.

A wise man once said that as long as a man has plenty to do he is not likely to commit evil, but idleness is certain to lead to crime. The real cause of the samurai of Saga, Kumamoto, Hagi and Satsuma taking up arms against the government is that they had nothing to do but brood over their grievances. This country cannot be coerced into tranquillity by means of oppression until the race of samurai has died out of the land. The government may exult over its conquests, but the country is weakened every time that it achieves a victory over its own people.



This is the present condition of Japan. Public opinion is in no way consulted. Efforts are made to hold both the samurai and the heimin in absolute slavery. They are granted no political rights. They have no control over their own welfare. What does His Majesty suppose is the cause of all this misery?

The eighth evil is the mismanagement of foreign affairs.

As Japan has not a constitutional form of government, the people cannot enjoy peace and happiness. Neither does a country so governed obtain its just rights from nations with whom it may be in intercourse. For such errors the people hold a government responsible. There have been four mistakes committed with regard to foreign affairs—the Formosan expedition; the Korean affair; the cession of Sagahlien; and the revision of the treaties; with all of these the honour of our country is intimately concerned, as well as the happiness of the nation. Our people know that Korea is a country with which Japan has had intercourse from the most ancient times. Suddenly the intercourse was broken off, and when we sent an envoy thither he was befooled, and all his proposals rejected. Not only were the Koreans insulting, but they threatened hostile resistance. It was proposed to send a second envoy to remonstrate against the treatment of the former one, but the government suddenly changed its views, and nothing further was done. The people when they learned this became enraged, and their feelings found vent in the rebellion of the samurai of Saga. No sooner was this suppressed than sudden orders were issued for a hostile expedition against Formosa. The reason for the government's undertaking this was perfectly incomprehensible to the people. What kind of race are the Formosans? They are under no King or Emperor, but are ruled by some savage chiefs. They are cannibals and such a set of savages are not worthy of being spoken of. Korea is different. It has an established government with whom we have been on terms of friendly intercourse from times long past. How comes it that our government asked no explanation for a national

insult from a country like Korea with an established government, and yet sent a hostile expedition against such a barbarous island as Formosa? The reason assigned was that the Formosans had been guilty of murdering some shipwrecked sailors from Loo-Choo. Now the nationality of the Loo-Chooans has not yet been settled, as it remains undecided whether they are subjects of Japan or China. The nationality of the Formosans was also not known, as it was uncertain whether the whole or only a part of the island of Formosa belonged to China. The expense of these expeditions was immense, but on that point we will say no more here.

We will take it for granted that Loo-Choo was supposed to be under the dominion of Japan, and that for this reason we sent the expedition to Formosa, giving rise to trouble between us and China. In order that the country might suffer no disgrace, the people took up the cause in a most zealous spirit, but the government sent an envoy to China and on payment by the Chinese government of the indemnity of five hundred thousand taels, all the troops were withdrawn from Formosa and sent back to Japan. Our forces therefore neither succeeded in acquiring Formosa, nor in proving that the sovereignty over the Loo-Choo Islands pertains to Japan and to Japan alone.

An indemnity of five hundred thousand taels, and nothing else, is not sufficient to make thirty millions of our countrymen believe that the government had accomplished any great object, or to make it clear to the eyes of the world that to obtain this was the object of the expedition.

The Kokua affair took place shortly after. Before it was certainly ascertained whether the act of firing upon the Japanese vessel of war was committed by order of the Korean government, or only by some one opposed to the government, an envoy was despatched, demanding an immediate explanation. Now it is wholly inexplicable to us why the government did not demand an explanation when the Koreans openly insulted our envoy and treated Japan with contempt, when it is so ready to demand

reparation for a shot fired against a vessel of war, not by order of the government, but by the governor of some fort. In which was the honour of the country most concerned? Yet the government took no notice of the former case, while it was greatly exercised over the latter. An ambassador was sent, the main object of his mission being identical with that of the first envoy, the renewing of friendly and commercial intercourse. The people are perplexed to know why what was deemed wrong in the first instance should be thought right two years later.

But this is not all. It is natural to every one to resist any claims that may be made on his property, and no one who had been improperly deprived of one portion of his property would of his own free will receive for it another portion. We will proceed to expose the mismanagement of the government in the Sagahlien question.

For a long time past Japan has neglected to give proper attention to the protection of the Northern portion of her dominion. In the time of the *Bakufu*, even the children knew that Sagahlien and the Kuriles belonged to Japan. But the Russians have come down below the fiftieth degree to hunt, and have commenced to devour our country.

After the Restoration, when the Kaitakushi was established enormous sums of money were spent in opening up the northern islands, promoting education, establishing agricultural industries and farming institutions, founding and laying out schools and towns. The nation looked forward to the portion of Sagahlien which had been occupied by the Russians again becoming the property of Japan. Instead of this the whole island has been taken from us. What good then has the Kaitakushi done, and what benefit have we gained from all the money spent on a place which a treaty has taken from us?

Loo-Choo constitutes a Japanese han. Our troops are garrisoned there, the post office and a branch of the Naimushō have been established there; but both the king and people of Loo-Choo are endeavouring to free themselves from the authority



of Japan. China is endeavouring to do the same with Loo-Choo as Russia has done with Sagalien. If China succeeds, our territory will gradually decrease, and with it our power.

Let us turn to the question of the revision of foreign treaties. When the appointed time had arrived, ambassadors, with a large number of subordinate officials, numbering in all about one hundred, were sent to the various treaty powers, and returned without having accomplished any object but the spending of a vast amount of money. This caused foreigners to regard us with contempt. The Japanese people, in their rage, say that all this arose from the action of an irresponsible government.

The above eight evils that we have mentioned all arise from the despotic rule of a government, which, refusing to consult the public welfare in carrying out its administration, becomes confused. This is very clear, and cannot be denied. Hence it arises that the government and the people are continually opposed, and there is no single day when universal peace prevails.

Since the commencement of the Kiushiu rebellion, the whole of the naval and military forces have been sent to the South, the treasury is exhausted, and the government is putting forth all its power to keep back the insurgents. Now, although the government should put down the rebellion, what will it benefit the people? Nothing at all. More than that; when it has suppressed this rebellion, it is likely to turn all its power against objects of its hate. Examples of this have not been wanting in ancient and modern times. Under such circumstances all men of intelligence, all those who stand up for the rights and liberties of the people, would be looked upon as its enemies, and measures be taken against them accordingly. Thus the government would become the same as the Tokugawa administration previous to its final dissolution.

When the *Bakufu* interfered with the rights of the people, the latter grew more and more determined, and though one might fail in his endeavour to oppose the government others

arose, and so after much blood had been shed, the present administration was established.

If a betto in riding a horse pulls too hard upon the bit, in order to escape from the pain the animal will commence to kick and bite. Does not this apply to the treatment of mankind ?

Suppose that the nation were to bring forward the five oaths of Your Imperial Majesty, and Your Majesty's decrees for the establishment of a constitutional form of government, and demand the government to give an explanation why it had not acted in accordance therewith, how could they answer, or what excuse would avail Your Majesty before the gods ?

Suppose that at the present time a foreign power were to declare war against the country, what could Your Majesty do ? It is such considerations that cause us the deepest anxiety.

By this, our memorial, Your Imperial Majesty will be able to judge which of the acts of Your Majesty and of Your Majesty's Ministers are right and which are wrong. The ministry acts as though it were not in the least degree responsible for any acts done in Your Majesty's name. Should ruin fall upon our country in consequence of such acts the members of the ministry can only be degraded, while all the blame will be imputed to Your Majesty, and the people will be called upon to undergo terrible hardships.

Nothing could more tend to the wellbeing of the country than for Your Majesty to put an end to all despotic and oppressive measures, and to consult public opinion in the conduct of the government. To this end a representative assembly should be established, so that the government may become constitutional in form. The people would then become more interested and zealous in looking after the affairs of the country ; public opinion will find expression, and despotism and confusion cease. The nation would advance in civilization ; wealth would accumulate in the country ; troubles from within and contempt from without would cease, and the happiness of Your Imperial Majesty and of Your Majesty's subject will be secured.

Your Imperial Majesty's oaths at the time of your ascent to the throne, and the Imperial edict of the 14th April, 1874, prove that it is the wish of Your Majesty that the people should have a voice in the administration, and that a constitutional form of government should be established. The people rejoice greatly at learning that such is your Imperial Majesty's wish.

We hope that Your Imperial Majesty will not be led astray by the words of others, but approve of this our memorial, in acting in accordance with which happiness may be secured to Japan.

(Signed) KATAOKA KENKICHI,  
Representative of the Risshisha,  
Kōchi ken (Tosa).

*J.W.M.*, 1877, July 7, pp. 572-76.

## 6. MEMORIAL ADVOCATING THE ESTABLISHMENT OF A NATIONAL ASSEMBLY.

(Addressed to the Daijōdaijin, February, 1880.)

We have the honor to present to your Excellency the following memorial:—

We consider that in a great many respects the management of a country is like the regulation of water. It is impossible altogether to restrain the force of a running stream, and therefore those who are acquainted with hydraulics learn how to humor and direct the force of the current so as to avoid damage. When a flood occurs the surface of the adjoining land is submerged. The same happens to the administration of a country. When the pent-up excitement of a nation breaks forth, no force can restrain the people from accomplishing their desires; they must be allowed to attain their ends in order to

1. The Memorial was signed on behalf of the Local Assembly of Miyagi Ken by Messrs. Masuda, Endo, Akiyama, Minegishi, Chiba, Atami, etc.



avoid disastrous consequences. This submission to the will of the people is, we consider, the proper way to control their actions.

We have ascertained, as the result of a careful investigation, that the people of Japan have developed a spirit of independence, and now thoroughly appreciate the respective rights of the monarch and the general mass of the community. The result of the knowledge is an increasing demand for the establishment of a constituent assembly, vesting legislative power in the people, and it is now very apparent that the movement will never cease until the required object is achieved.

We respectively submit that, until legislative powers are lodged in the hands of the people through their representatives, the judicature cannot be placed on a thoroughly satisfactory footing; and if this be the case with the judicature with how much more force does it apply to the executive? When the people are properly represented in the government, and the judicature and the executive are in a satisfactory condition, then the wealth and prosperity of a nation increases. Every nation in Europe enjoys the advantages of what is termed "constitutional government."

His Imperial Majesty, the great and gracious Emperor who now rules over us with the assistance of your Excellency's wisdom and experience, leaves nothing to be desired in conducting the administration of the country, and yet dissatisfaction is prevalent at home, while abroad we suffer by reason of the exaction of foreigners. How is this to be explained? Is it not because no proper feeling of harmony has been established between the governors and the governed?

The prosperity of a country is inseparable from the prosperity of its inhabitants; the government and people should therefore act in unison. Can it be right that the government should alone be charged with all affairs that pertain to the welfare of the State?

It is indisputable that the most urgently pressing measure is the establishment of a constituent assembly, so that the people

shall take part in legislative functions. Thus the three great bodies which go to build up prosperous communities would be working in harmony, and the welfare of the empire advanced as that of a single individual.

It is within our memory when the Emperor, when He first ascended the Imperial Throne, made solemn oath<sup>1</sup> before Heaven that "the will of the people shall be ascertained and the administration of the empire carried on conformably to their wishes." Seven years afterwards His Imperial Majesty issued an edict<sup>2</sup> that "constitutional government shall be gradually introduced." His Majesty's virtues are indeed great and his wisdom profound. Is there any other means of ascertaining the will of the people and introducing constitutional government, except by the establishment of a national assembly?

At the time we referred to, His Majesty evidently desired to grant political rights to the people, but they treated the matter with an indifference born of ignorance, and although the ex-Privy Councillor Gotō Shōjirō and others presented a memorial<sup>3</sup> on the subject, there were many among the public who expressed a conviction that the country was not ripe for such a radical innovation. Thus the matter has been put off till the present day.

The circumstances of the Empire are, however, very different now to those of the 7th year of Meiji. Not only do the people no longer think that the establishment of a constituent assembly would be premature, but societies and leagues have been formed throughout the length and breadth of the land, in order to secure the boon. Who therefore can now affirm that the people are now indifferent, or that they cannot be entrusted with the participation in legislative functions?

Troubles and disturbances often take place in a country from unexpected causes, and if those members of the political societies who are desirous for a national assembly should find

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1. *Supra* p. 8.

2. *Supra* pp. 41-42.

3. *Supra* pp. 440-45.

their hopes frustrated, it is to be feared that they will rise in insurrection and refuse to be pacified.

Again, if your Excellency, taking advantage of your exalted position and acknowledged popularity, despises the current of public opinion, and does not seek a suitable outlet for its violence, future history in speaking of your Excellency will say that you "occupied the position of Prime Minister, but did not enforce the Imperial edict, nor allow the people to succeed in their reasonable desires, nor carry on the administration of the empire so as to meet with the approbation of the public. On the contrary the people were dissatisfied, and foreigners<sup>1</sup> still maintained their haughty disregard for the independence of the nation." How could Your Excellency's admirers rid you of this blame? The subject has caused us much perplexity and embarrassment.

Your Excellency is well aware of all the circumstances, and will doubtless take the necessary steps to carry out the desired reforms with due care and prudence. We feel assured of this from the establishment of local and other subordinate assemblies in the cities and prefectures with the view of educating the people to the proper use of their political rights when entrusted into their hands.

But what course is to be adopted if the people are not content with the existing assemblies? We are anxious to avoid any statements which might prove unpalatable, but it is undeniable that the clamour of the public, and more especially the inhabitants of our prefecture, for a constituent assembly, is now that of a hungry man for food. This is why we have addressed a memorial to your Excellency on the subject, as we have no intention of forcing the question upon you by a conspiracy or the assemblage of multitudes of people. We do so simply because we consider it our duty, having regard to the present state of the Empire. We

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1. Foreigners resident in Japan enjoyed extra-territorial privileges, *i.e.* they lived under the laws of their respective countries as administered by Consular Courts.



have not considered ourselves in this matter, but only our beloved country, and if, in the fullness of our feelings, we have exceeded the bounds of politeness, we pray your Excellency to excuse our offence and regard only the meaning and spirit of our memorial.

*J.W.M.*, 1880, February 28, pp. 280-81.

## 7. DRAFT OF A CONSTITUTION.<sup>1</sup>

(Compiled for Private Circulation.)

Most people are at present agreed on the vital necessity of some reforms in our system of government, but it is very doubtful whether if the moment for making those reforms were at hand, many would be found ready to say what fashion of constitution is best calculated to preserve the integrity of Japan and extend her influence. Probably the subject has occupied the attention of not a few, and some perhaps have committed their thoughts to writing, only however to lock the documents in their desks and keep them from the public ken; but we question whether they have done more than examine certain portions of the matter, not going so far as to map out a complete scheme. The reticence hitherto observed upon this subject is, we presume, attributable to a consciousness of its great importance,

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1. This document is said to have been circulated widely among the members of the political societies and clubs during 1881; what influence it exerted it is impossible to estimate. A comparison of this draft with the constitution as promulgated in 1889 will serve to reveal an immense difference between the ideas here presented and those adopted by the government. It is interesting, however, to note that the Rescript fixing the date for the convening of the National Assembly was issued on October 12, 1881, also that from internal evidence the Rescript was issued under stress, to relieve a situation that had become dangerous to the continued existence of the government. It was in the second half of the year 1881 that Ōkuma, the Minister of Finance, risked and (lost) his official position, by memorialising the Throne with a view to the early establishment of a parliament (in 1883).

seeing that any error in the polity of a country affects the welfare of the people at large. The compilers of this scheme, too, are very sensible to the responsibility of the task they have undertaken, yet since nothing definite has been formulated, and since popular opinion is still in a condition to consider the subject dispassionately, the present seems to them an excellent occasion to propose something which may serve as a basis for candid discussion and help to direct people's thoughts into the proper channel. Regardless therefore of any charge of presumption that may be brought against them, they have prepared this document for circulation among their friends, to the end that the latter may correct what they think faulty, and supplement what they deem deficient, thus elaborating finally some fairly complete scheme for a national constitution, to the great benefit not of its compilers alone but of every man in Japan.

#### THE IMPERIAL FUNCTIONS.

I. The Emperor will govern the country by means of Ministers, a Senate and a National Assembly.

II. The Emperor's right to rule is divine and must never be called in question, but the duties of government will devolve upon his Ministers.

III. All matters relating to the national debt and legislation, in general, will be discussed and settled by the Senate and the National Assembly, and having received the Imperial sanction will become law.

IV. The governing power belongs to the Emperor; the duties of government will be carried on by the Ministers in conformity with the laws.

V. The Judicial Power belongs to the Emperor; the duties of the Judiciary, civil and penal alike, will be carried on by the law officers in conformity with the laws.

VI. The Imperial functions will include the issue of proclamations, organisation of the army and navy, settlement of questions concerning external relations, the making of treaties,

appointments to office, conferring rank and rewards for military service, the issue of coins, the disposal of rebels, the convocation and prorogation of the National Assembly and Senate, the dissolution of the former body by a message to the Senate, and the submission to these two assemblies of questions connected with the customs duties at the open ports.

VII. The Emperor will clothe the Privy Council with authority to carry on the whole government.

VIII. The Privy Council will be composed of the Ministers of Departments and the Imperial Adviser.

IX. The affairs of State, both internal and external, will be conducted by the whole Privy Council in session, matters which are solely within the competence of any particular Minister being excepted.

X. There will be a President of the Privy Council, by whom all measures that have received the Imperial sanction and all proclamations will be signed.

XI. In the event of the Privy Council failing to come to a decision, the President will be competent to settle the question and afterwards submit it for Imperial approval.

XII. The President of the Privy Council will be chosen in accordance with the will of the Emperor and of the people, and the other members of the Privy Council will be appointed by him.

XIII. Members of the Privy Council will be either members of the Senate or of the National Assembly.

XIV. The estimates of the National revenue and expenditures must be passed by the Privy Council.

XV. Bills sent down by the Privy Council will first be discussed by the National Assembly and afterwards submitted to the Senate.

XVI. The yearly estimates of the total revenue and expenditure, as well as all matters of importance, having reference to the internal or external affairs of State, will be



made known by the Privy Council to the Senate and National Assembly.

XVII. Should it happen that the two Assemblies refuse to endorse the acts of the Privy Council, the members of the latter will resign, or the National Assembly will be dissolved by the Emperor.

THE SENATE.<sup>1</sup>

XVIII. All matters having reference to the national revenue and expenditure, taxation, the national debt and laws in general, will be discussed and passed by the National Assembly and Senate.

XIX. The Senate will consist of the Chamber of Nobles and House of Representatives.

XX. The members of the Chamber of Nobles will be Princes of the Blood, Nobles, persons who have held high office of State or men of learning. They will be selected and appointed by the Emperor, and will be members for life unless disqualified by their own fault. Their number will not exceed two-thirds of the whole Senate.

XXI. The members of the House of Representatives will be chosen by the people, two from every electoral division. Their term of membership will be four years.

XXII. Every Prefecture will constitute an electoral district. The persons qualified to vote for members of the National Assembly in each electoral district will choose two hundred electors, who will subsequently select two of their number to be members of the Senate.

XXIII. All Japanese who are males of thirty years and upwards, without distinction of class, shall be eligible for election to the Senate. But Governors of Cities, Prefects,

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1. The use of this word is most confusing; the fault may lie in the translation. If the term National Assembly be used in its stead, and made to include the House of Peers and the House of Representatives, the existing confusion will be greatly reduced, and anyone familiar with the structure of governmental institutions will have no great difficulty in understanding the scheme here outlined,

Magistrates of Urban and Rural Divisions, and officials whose duties are connected with the election of members, will not be eligible for election.

The following will also be ineligible for election, viz. :—persons who have committed any serious crime and who have not yet expiated their offence ; bankrupts who have not yet discharged their debts ; idiots and insane persons ; persons not residing in Japan ; priests, judges and assistant judges.

XXIV. Although the Chamber of Nobles is not an elective body, its members must be Japanese by birth and residents of the country, while Princes of the Blood must be twenty-five, and all others thirty years of age in order to be eligible.

XXV. With the exception of Ministers and Vice-Ministers of Departments, the Imperial Adviser, Officers of the Household, Chiefs of Bureaux, and Field Officers of the Army and Navy who are unattached, all officials on becoming members of either the Chamber of Nobles or the House of Representatives must resign their offices ; while members, on the other hand, will be required to withdraw their names if they accept any official appointment during their period of membership.

XXVI. Members of the Senate will receive from the Treasury a yearly salary of not less than three thousand *yen*.

XXVII. Senators may not be arrested during session or for a period of thirty days before or after, unless they have committed some serious crime ; and they shall be responsible to the Senate only for the speeches they deliver or the opinions they advocate during the session, unless they themselves make those opinions the subject of a public appeal.

XXVIII. Whenever the National Assembly passes a vote of censure on any official for treasonable conduct or other miscarriage of duty, the Senate in session shall investigate the matter, and if two-thirds or more of the members present pronounce the accused guilty, he shall be deprived of office by the Emperor's authority, after which he shall be tried and punished by the courts of law.

XXIX. The Senate shall be convoked or prorogued by Imperial authority at the same time as the National Assembly.

XXX. The Senate will choose a new President and Vice-President every four years who shall be appointed by the Emperor's command.

XXXI. Questions that come before the Senate shall be decided by a majority of the members present. Should opinion be equally divided the President shall have the casting vote.

XXXII. The Senate will decide upon its own rules of procedure by a vote of not less than one half of its total membership, and these rules having received the Imperial sanction shall become law.

XXXIII. Among those rules of procedure the Senate will embody clauses providing suitable penalties, which will be within the competence of the Senate to inflict upon persons infringing the rules.

XXXIV. Debates shall be open to the public, but this privilege may be interdicted by the rules of procedure on on exceptional occasions.

XXXV. One-fifth of the whole number of the Senate shall constitute a quorum.

XXXVI. The Senate may take a recess at convenient times, but that recess must not exceed ten days unless by agreement with the National Assembly.

XXXVII. The Senate shall cause minutes of its proceedings to be kept and published from time to time, matters which it is inexpedient to make public being of course excepted.

XXXVIII. Bills that have passed the Senate and have not yet been discussed by the National Assembly, as well as those that have come up from the latter and been amended by the former, shall be submitted finally to the National Assembly and after they have passed that body the President's of both the National Assembly and the Senate shall submit them for Imperial approval.



## THE NATIONAL ASSEMBLY.

XXXIX. The National Assembly, in conjunction with the Senate, will be charged with the conduct of all affairs relating to the national revenue and expenditure, taxation, the national debt and the laws of the empire.

XI. The members of the National Assembly will be publicly chosen by the votes of all persons throughout the Empire possessing the franchise, and their term of service will be four years.

XI.I. For the purpose of returning members to the National Assembly each province shall constitute an electoral division; or the province shall be divided into several urban divisions, and each section of eighty thousand men shall constitute an electoral division with the power of returning one member; in the case of an urban division containing less than eighty thousand the right of returning one member shall still be conferred, but when the number of inhabitants is less than forty thousand, the division shall not be represented. In the case of a province, however, the right of returning one member shall be conferred, provided the number of inhabitants shall be twenty thousand or upwards.

XI.II. Towns containing twenty thousand inhabitants or upwards shall constitute one electoral district. Those with more than twenty and less than forty thousand shall elect one member; those with more than forty and less than eighty thousand inhabitants shall return two members; and those with more than eighty thousand, shall return one additional member for every additional sixty thousand inhabitants.

XI.III. The following persons shall be qualified to vote for candidates for the National Assembly:—residents of rural divisions or districts possessing land on which a land-tax of five *yen per annum* is levied, or persons residing in houses of their own valued at two hundred *yen* or upwards, or who have lived for at least two months in rented houses valued at four

hundred *yen* or upwards ; provided that all such electors shall be males of twenty-one years at least.

The following shall be ineligible for the franchise, viz :—Persons undergoing punishment for crime, persons who have undergone punishment for crime and are still under police supervision, bankrupts whose debts have not been discharged, idiots and insane persons, persons not residing in Japan, judges, Governors and Prefects, and persons officially connected with the conduct of elections, and priests.

XI.IV. All males of the Japanese nation of twenty-five years or upwards, without reference to the division in which they reside, shall be eligible for election to the National Assembly, but Governors, Prefects, Magistrates of urban or rural divisions, and persons officially connected with the conduct of elections shall not be eligible to represent the divisions in which their duties lie.

Other causes constituting ineligibility shall be the same as those enumerated in Article XLIII.

XLV. With the exception of Ministers, Vice-Ministers, Officers of the Imperial Household, and Chiefs of Bureaux, all officials who may be returned as members of the National Assembly shall immediately resign their appointments, and conversely members of the Assembly shall cease to be such on appointment to any official position.

XLVI. Vacancies in the National Assembly shall be filled as soon as possible after they occur.

XLVII. Members of the National Assembly shall receive a salary of at least three thousand *yen per annum* from the Treasury.

XLVIII. Members of the National Assembly may not be arrested during the session, nor for a period of thirty days before and after, unless they have committed some serious crime ; and they shall be responsible only to the National Assembly for the speeches they deliver or the opinions they advocate during the session, unless they themselves make those speeches or opinions the subject of a public appeal.

XLIX. It shall be within the competence of the National Assembly to pass a vote of censure upon any official guilty of treasonable conduct or other dereliction of duty.

I.. The drafting of all bills having reference to taxation shall be confined to the National Assembly or the Privy Council ; and should such bills be amended by the Senate, they shall be submitted to the National Assembly for re-deliberation, when a majority of two-thirds of the members shall be sufficient to pass the bill, whether the Senate's amendments be accepted or rejected, after which the President of the Assembly shall immediately submit the bill for the Imperial sanction.

LI. The National Assembly shall hold one regular session each year, and may further be extraordinarily convened on special occasions.

LII. After the dissolution of the National Assembly, according to the form prescribed in Article VI., the election of new members shall take place with sufficient expedition to render possible the meeting of the new Assembly within ninety days of its dissolution.

LIII. The National Assembly will elect a President and Vice-President from among its members, and those officials shall be afterwards appointed by the Emperor.

LIV. Questions that come before the National Assembly shall be decided by a majority of the members in session. Should opinions be equally divided the President shall have a casting vote.

LV. The National Assembly will decide on its own rules of procedure by the vote of not less than one-half of its total number of members, and these rules, having received Imperial sanction, will become law.

LVI. Among these rules of procedure the National Assembly will embody clauses providing suitable penalties, which it will be within the competence of the Assembly to inflict upon members infringing its rules.

LVII. Members whose elections have been proved to have



been compassed by unlawful means shall be deprived of their seats by the authority of the Assembly.

LVIII. It shall be within the competence of the Assembly to deprive of his seat any member who may have been guilty of unbecoming conduct during the session, but such deprivation must be voted by at least two-thirds of the whole Assembly.

LIX. Debates in the National Assembly shall be open to the public, but this privilege may be interdicted by the rules of procedure or on special occasions.

LX. One-fifth of the whole number of the Assembly shall constitute a quorum.

LXI. The National Assembly may take a recess at convenient times, but that recess must not exceed ten days unless by agreement with the Senate.

LXII. The National Assembly shall cause minutes of its proceedings to be kept, and published from time to time, matters which it is inexpedient to make public being excepted.

LXIII. Bills that have passed the National Assembly and have not yet been discussed by the Senate, as well as those that have been sent down by the latter and amended by the former, shall be finally submitted to the Senate, and after that body has passed them, the Presidents of both the National Assembly and the Senate shall submit them for Imperial sanction.

#### THE JUDICIARY.

LXIV. The Codes of Law shall be administered by the officers of justice at fixed places, duly selected, in conformity with the law, neither shall it be legal to open any independent court for the purpose of conducting independent judicial proceedings.

LXV. The officers of justice shall receive their appointments from the Emperor and shall hold office for life, unless disqualified by the commission of some offence.

LXVI. Judicial investigations and all proceedings in the Courts of Law shall be conducted publicly, otherwise such in-

vestigations and proceedings shall be null and void. The Courts shall be closed only for the trial of cases which, if made public, would tend to injure morality.

LXVII. All persons arraigned on criminal charges shall have the services of an advocate, otherwise the trial shall be null and void.

LXVIII. Persons guilty of offences against military or naval law shall be tried by the military or naval courts.

#### PERSONAL PRIVILEGE.

LXIX. Every Japanese citizen may be free to embrace any religion he or she may please, provided the religion be not prejudicial to the welfare of the realm.

LXX. Every Japanese citizen shall be free to express or publish his opinion on any subject, unless by so doing he prejudices public or private interests.

LXXI. Japanese citizens, not carrying arms and behaving in an orderly fashion, shall be free to hold public meetings whenever they please, or to address petitions to the government on any grievance they desire to have redressed.

LXXII. A Japanese citizen may not be arbitrarily deprived of his property. Should his possessions be required by the State for the public weal, suitable compensation shall be provided by the government.

LXXIII. Japanese citizens unless they are in active rebellion, or in the absence of a legal warrant duly issued by the proper authorities, may not be arrested, or their houses entered and searched, or their chattles, documents, etc. carried off.

LXXIV. Japanese citizens must be brought to trial within forty-eight hours of their arrest. They may not be detained pending examination after that period except on the authority of a fresh warrant duly issued.

LXXV. Japanese citizens when arraigned on criminal charges may be released on finding bail in suitable amounts with competent sureties. The privilege may, however, be withheld

in cases where the carriage of justice would be endangered thereby.

LXXVI. Torture shall never be adopted to extract confession from an accused person in Japan.

LXXVII. All Japanese persons, without distinction of rank or social position, shall enjoy the same privileges before the law.

LXXVIII. Laws may not have a retrospective action. This will not however prevent the enactment of laws to deal with special offences.

#### REVISION OF THE CONSTITUTION.

LXXIX. The laws of the Constitution may be amended or repealed by a vote of not less than two-thirds of the total members of the Senate and National Assembly subject to the Imperial sanction. Articles relating to the Imperial functions may not however be discussed with a view to revision except under the written authority of the Emperor himself.

*J.W.M.*, 1881, Sept. 10, pp. 1052-53.

## 2.—PUBLIC MEETINGS AND ASSOCIATIONS.

### 1. REGULATIONS FOR PUBLIC MEETINGS AND ASSOCIATIONS.

(Imp. Dec. No. 12, April 5, 1880.)

I. Whosoever intends to assemble the public in order to lecture, or deliberate, upon any matter referring to politics must, three days before the meeting, in the name of the convener, president or director of the gathering, obtain sanction from the police authorities in whose jurisdiction the meeting is to be held; the subjects of the lectures or deliberators, the names and addresses of the lecturers or deliberators, the names and addresses of the lecturers or debaters, the site and date of the meeting must be notified to the police authorities.



II. Any one organising an association for the purpose of lecturing or deliberating upon political matters shall previously inform the police authorities concerned as to its name, rules, and place of meeting, together with the list of its members, and obtain the sanction of the police. In case the rules be revised or the membership be changed the same shall be notified to the police. To any inquiries made by the police at the time of the information being forwarded to them, explanations shall be given in regard to all matters whatsoever relating to the organisation of the association.

III. In regard to any meeting in which the subjects of the lectures or debates, the number of lecturers or debaters, the place and date of which is fixed, information thereof shall be forwarded to and sanction obtained from the police authorities three days before the opening of the meeting; similar information need not be sent in for regular meetings, held by the association thereafter. But Article I. shall be conformed with when any change is made in the conditions detailed above.

IV. The police authorities concerned shall not give their sanction, in case the meeting or association is, through any of the information furnished as prescribed in Articles I., II., or III., deemed injurious to the public peace.

V. The police authorities shall send officials in uniform to the place of meeting. Such officers shall examine the warrant of official sanction and exercise control over the meeting.

VI. The police officers shall dissolve the meeting when the warrant of official sanction is not produced on demand; when the lecturers or deliberators go beyond the subjects mentioned in the information; when the discourses are found to have any tendency to lure or tempt people into crimes or delicts, or may be deemed prejudicial to public tranquillity; or when those who, from their positions are prohibited from attending such meetings, do not obey the police when ordered to leave.

VII. All military and naval men now on active service or in the first or second reserves, police officers, teachers and

students of government, public, or private schools, agricultural or technological apprentices, must not attend any meeting where politics form the subject of address or deliberation. Neither may they become members of any political association.

VIII. No political association, intending to lecture or deliberate upon politics, may advertise its lectures or debates, persuade people to enter its ranks by despatching commissioners or issuing circulars, or combine and communicate with other similar societies.

IX. Open-air lectures or debates on political subjects are prohibited.

X. If a meeting shall be held without the permission mentioned in Article I. being first obtained, the convener shall be liable to a fine of not more than twenty nor less than two *yen*, or to minor imprisonment for not more than three months nor less than eleven days. The person who lent the place of meeting, the president, the general managers, lecturers and debaters shall severally be liable to a fine of not more than twenty and not less than two *yen*, and every breach of Article III. shall be punished in like manner.

XI. In case the information has not been forwarded punctually to the police authorities concerned, in accordance with Article II., as to the rules of the association and the list of its members, or as to any revision of the said rules or changes in the membership; or in case no answers have been made to the questions of the police authorities, the president of the said association shall be liable to a fine of not more than twenty nor less than two *yen*. In case the rules or list of members of the association have been falsely stated, or untrue answers have been given to the questions asked by the police authorities, the president of the said association shall be liable to minor imprisonment of not more than three months nor less than eleven days, in addition to the fine mentioned above.

XII. When, in defiance of the provisions of Article V., the police officials are refused admission, the convener, president,

director and general managers shall severally be liable to a fine of not more than fifty nor less than five *yen*, or to minor imprisonment for not more than one year nor less than one month. Similar sentences will be pronounced upon any one who has made no answer or has answered falsely when the name of a speaker has been asked.

Any one who has infringed the provisions of this Article twice shall be liable to a fine of not more than one hundred and not less than ten *yen*, or to minor imprisonment for not more than two years nor less than two months.

XIII. When the persons assembled at any meeting are ordered by the police officials in attendance to disperse, every one refusing to do so shall be liable to a fine of not more than twenty nor less than two *yen*, or to minor imprisonment for not more than six months nor less than eleven days.

XIV. For any breach of Article VII., the convener and president of the meeting, or the president and general manager of the society, will be severally liable to a fine of not more than twenty nor less than two *yen*, or to minor imprisonment for not more than three months nor less than eleven days. If the offence is considered a grave one the society may be suppressed; and if anyone, in defiance of Article VIII., shall enter into the membership of a society or attend a meeting, he shall be liable to a fine of not more than twenty nor less than two *yen*.

XV. For every breach of Article VIII., the convener and president of a meeting and the president and general managers of a society shall severally be liable to a fine of not more than fifty nor less than five *yen*, or to minor imprisonment for not more than one year nor less than one month. In addition, the society shall be suppressed, and every one implicated in a breach of the said Article will be liable to similar punishment to that hereinbefore mentioned. Any person who shall compel another to join a society, or who has been previously convicted of a breach of Article VIII., shall be liable to a fine of not more than



one hundred nor less than ten *yen*, or to minor imprisonment for not more than two years nor less than two months. The president and directors shall also be prohibited from forming or joining any other similar society for a period of not more than five years nor less than one year.

XVI. These Regulations do not apply to any public meetings inaugurated by law.

*J. W. M.*, 1882, June 10, pp. 712-13.

## 2. REGULATIONS FOR PUBLIC MEETINGS AND ASSOCIATIONS.

(Imp. Dec. No. 27, June 3, 1882.)

I. (The same).

II. Anyone organising an association for the purpose of lecturing or deliberating on political subjects, no matter under what name, shall previously inform the police authorities concerned of the name, rules and site, and shall furnish a list of the names of its members. Any change proposed to be made in the rules, or increase or decrease of the members shall, in like manner be notified. To the inquiries made by the police authorities at the time of the information being forwarded to them, explanations shall be given with regard to all matters whatsoever referring to the organisation of the society.

In case an association such as is referred to in the preceding clause, or any other affiliation, intends to hold a meeting in order to lecture or deliberate on politics, the course provided in Article I. shall be followed.

III. (The same).

IV. The police authorities shall not give their sanction, or shall withdraw it after it is granted, in case the meeting or association is, through the information furnished as prescribed in Articles I., II., and III., deemed injurious to the public peace.

V. (Clause 1 the same, clause 2 added).

The police officers shall have their choice of seats, and information shall be furnished to them on any subject into which they choose to inquire.

VI. (A second paragraph is added).

Should the authorities order the dissolution of any assembly under the preceding clause, the local Prefect or Governor (or in Tōkyō, the Chief of the Metropolitan Police) may prohibit the orators of that meeting from lecturing, or publicly discussing politics in that jurisdiction, for a period not longer than one year. Further the association may be dissolved if necessary. And again, the Home Minister can, if he deem it expedient, prohibit the lecturer from delivering public discourses anywhere throughout the country, for a period not exceeding one year.

VII. (The same).

VIII. No political association for the purpose of lecturing or deliberating on politics, may advertise a summary of the discourses, excite the public by sending out commissioners or circulars, or correspond and join together with other similar societies.

IX. (The same).

X. (The same).

XI. In case the information is, in defiance of the second clause of Article II., not forwarded to the police authorities, nor explanations given of the matters referred to, the president of the association shall be punished by a fine of not more than twenty nor less than two *yen*. When perjured evidence or untrue information is given, in addition to the fine above mentioned, minor imprisonment for a period of not more than three months nor less than eleven days may be ordered.

XII. When in defiance of the provisions of Article V., the police officials are refused admission, or the seats required for them are not supplied, the convener, president, director, and general managers shall be severally liable to a fine of not more than fifty nor less than five *yen*, or minor imprisonment for not more than one year nor less than one month. Similar

sentences may be pronounced against those who have not answered questions from the police officials, or have given false explanations. A fine of not more than one hundred nor less than ten *yen*, or minor imprisonment for not more than two years nor less than two months, will be imposed in such cases on any one who has infringed this Article twice.

XIII. (The same).

XIV. (The same).

XV. (The same).

XVI. The police officials may, when they deem it necessary for the maintenance of the public peace, attend scientific or any other public meetings. Should they be refused admission the objectors are liable to be punished according to the provisions of Article XII.

Should political subjects be introduced into a scientific meeting the offenders shall be liable under the provisions of Article X.

XVII. When, in the case described in the preceding Article, the proceedings are deemed injurious to the public peace, the offenders will be punished in accordance with the provisions of Article VI.

XVIII. When the Minister of Home Affairs deems any meeting or association prejudicial to the public peace, he may permanently suspend it. In case his order is not complied with, or the association or meeting continues secretly in existence, the offenders shall be liable severally to a fine of not more than one hundred nor less than ten *yen*, or to minor imprisonment for not more than two years nor less than two months.

XIX. (The same as Article XVI. in the original).

*J.W.M.* 1882, June 10, pp. 712-13.



3. PEACE PRESERVATION REGULATIONS<sup>1</sup> (HOAN-JOREI).

(Imp. Rescript, Dec. 25, 1887.)

I. Secret societies and secret assemblies are hereby forbidden, and every person joining a secret society or taking part in a secret assembly, shall be liable to be punished by minor confinement for a period of not less than one month and not more than two years, together with a fine of from ten *yen* to one hundred *yen*, and every person acting as ringleader or instigator of such society or assembly shall be liable to penalties one degree heavier than the above.

In order to the better carrying out of this Article, as well as to the enforcement of the provisions of Article VIII.<sup>2</sup> of the Assemblies Regulations having reference to the distribution of circulars, the Minister of State for Home Affairs is hereby authorised to enact suitable regulations, and any person violating them shall be liable to the abovementioned penalties.

II. It shall be competent for the police, without preliminary reference to a higher authority, to put a stop to open air meetings or assemblies, whenever they deem such a course necessary. And any person disobeying the injunction of the police, or inciting others to disobey, or any person willingly attending such meeting or assembly in spite of such injunction, or any person

1. The *Nichi Nichi Shinbun* commenting editorially upon the ordinance remarked that it had been made necessary by the foolish policy of the Government in suppressing public discussion, and thereby driving into dangerous and secret channels feelings and ideas which if uttered publicly, would be comparatively harmless. The *Jiji Shimpō* and many others of the Tōkyō papers openly approved of the measure, those which objected said nothing. The *Japan Mail* regarded the law as an unfortunate incident not to be taken as an expression of the Cabinet's policy. It generally approved of the measure so far as it would operate to repress "everything savoring of secret conspiracy and covert combination to disturb good order." The actual result of the immediate enforcement of the law was the driving out of Tōkyō of some three hundred suspects, the best known of whom were Ozaki Yukio, the Editor of the *Choya Shinbun*, Hoshi Toru, the Editor of the *Korin Shimpō*, Shimamoto Chūdo, Nakashima Nobuyuki, and Hayashi Yuzo.

2. *Supra* p. 497.

assisting to bring about such meeting or assembly, shall be liable to minor confinement for a period of not less than three months and not more than three years, together with a fine of from ten to one hundred *yen*. And any person acting as a follower of the above, shall be liable to a fine of from two to ten *yen*. And any person carrying arms, or causing arms to be carried, at such meetings or assemblies, shall be liable to penalties two degrees heavier than the above.

III. Any person who plots disturbance, or who instigates it, or who publishes books or pictures designed to disturb public tranquillity, or any person who prints such books or pictures, shall, in addition to the penalties prescribed by the Criminal Code and by the Publication Regulations, be liable to confiscation of all such publications as well as of all plant used in their preparation and issue. Ignorance of the import of such publications shall not constitute a valid plea for exemption from the penalties imposed by this Article.

IV. Any person residing or sojourning within a distance of three *ri* ( $7\frac{1}{2}$  miles) radius around the Imperial Palace or around an Imperial place of resort, who plots or incites disturbance, or who is judged to be scheming something detrimental to public tranquillity, may be ordered by the police, or local authorities, with the sanction of the Minister of State for Home Affairs, to leave the said district within a fixed number of days or hours. And anyone who, being thus ordered to depart, fails to comply within the appointed time, or who, after departure, is again guilty of any of the aforesaid offences, shall be liable to a penalty of from one to three years' minor confinement, and further, to police surveillance for a period not exceeding five years, such surveillance to be exercised within the district of the offender's original registration.

V. In the event of peace and good order in any district being imperilled by popular excitement, or preparations pointing to disturbances, or by secret plotting, it shall be competent for the Cabinet to proclaim that district, and to order that the

following provisions, either wholly or in part, shall be applied within it for a fixed period :—

1. All public meetings, whether in the open air or otherwise, under whatsoever pretext they may be held, shall be illegal, unless they have been previously sanctioned by the police authorities.

2. The publication of all newspapers and printed matter shall be illegal without a preliminary examination by the police authorities.

3. It shall be illegal to use, carry, or trade in guns, pistols, gunpowder, sword-canes, and so forth, without special permission from the local authorities.

4. The comings and goings of travellers shall be submitted to surveillance, and a special passport system shall be put in force.

5. Any person guilty of an offence against these Regulations shall be liable to minor confinement for a period of from one to two years, together with a fine of from five to two hundred *yen*. And anyone guilty of an offence against the Criminal Code as well as against these special Regulations, shall be further liable to the penalties prescribed by that Code.

VI. This Ordinance shall take effect from the day of its promulgation.

*J.W.M.*, 1887, Dec. 31, p. 643.

#### 4. PUBLIC MEETING REGULATIONS (REVISED).

(Law No. 31, Dec. 14, 1889.)

VII. Military and naval officers and men in active service or those of the first or second reserves, police officers, teachers and students of government, public, or private schools, as well as the agricultural and technological apprentices shall not be allowed to attend or enter any meeting or association the purpose of which is to discuss political matters or lecture thereon.

*J.W.M.*, 1889, Dec. 21, p. 577.



## 5. GOVERNMENT OFFICIALS AND PUBLIC SPEAKING.

(Cabinet Instruction, January 24, 1889.)

Government officers may, from and after this date, deliver addresses or lay statements<sup>1</sup> before the public on political or scientific matters even though not lying within their own functions.

NOTE.—The above privilege shall be exercised subject to the supervision of superiors, and shall not apply to those officials whose competence is otherwise defined by laws or regulations.

*J.W.M.*, 1889, February 2, p. 106.

3.—THE ASSEMBLY OF THE LOCAL GOVERNMENT OFFICIALS (CHIHOKWAN-KWAIGI)<sup>2</sup>

## 1. CONSTITUTION AND RULES FOR THE CHIHOKWAN-KWAIGI.

(Imp. Dec. No. 58, May 2, 1874.)

It is hereby notified that the Constitution and Rules contained in the accompanying book have been ordained for the assembly of all the local jurisdictions which is now to be convened. The time of meeting will be notified hereafter.

(Signed) SANJO SANEYOSHI.

1. The order forbidding the practice was issued by the government in 1875, but it attracted no attention, because the general view then held was that the affairs of government were under the control of the Emperor, and were administered by officials who were responsible to the Emperor. In 1879 public speaking by officials was again strictly interdicted. The revocation of the order in 1889 was evidently intended to give the government the power of acquainting the people with their policy, since that policy was sure to be discussed in Parliament in the following year.

2. The meetings of this assembly which created the greatest interest in the country were held in 1875 and 1878. At the former Kido presided, at the latter Ito. The history of this institution has already been discussed at length in the Introduction.

## IMPERIAL MESSAGE TO THE MEMBERS.

In accordance with the meaning of the Oath taken by Me at the commencement of my reign and as a gradual development of its policy, I am convening an assembly of representatives of the whole nation so as by the help of public discussion to ordain laws, thus opening up the way of harmony between governors and governed and of the accomplishment of national desires, and I trust by ensuring to each subject throughout the nation an opportunity of peacefully pursuing his vocation to awaken them to a sense of the importance of matters of state.

I have therefore issued this constitution of a deliberative assembly providing for the convening of the chief officials of the different local jurisdictions and for their meeting and deliberating as the representatives of the people.

Observe it well ye members of the assembly !

## CONSTITUTION.

I. The assembly is of the chief officials of all the local jurisdictions assembled for deliberation. It will under ordinary circumstances be opened once a year. Extraordinary meetings may be called by Imperial decree giving notice of the date of such meeting beforehand. If the chief official is unable to attend he should be represented by the official next in rank.

II. At meetings of the assembly the chiefs of the great Departments of State or their representatives may be present to give their opinions, but they may not be included in the number of those who decide for or against the expediency of a measure.

III. At the opening and closing of the meeting the Emperor will be present in person with the Daijin and will conduct the ceremonies.

IV. The Emperor in consulting the opinion of the assembly may either send a draft measure, or he may send a commissioner fully to explain his views.

V. All bills are to be laid before the assembly by the

President, and when a decision for or against has been made it is to be reported to the Emperor who will himself decide whether or not it is to be put into execution.

NOTE.—It is important that this clause should be acted upon in conjunction with clauses X. and XI.

VI. The main object of the assembly is exhaustive discussion, weighing the practical expediency or in expediency of measures. The members are expected to consider them in all their bearings fairly and honestly, and without factious opposition.

VII. The decision of the matter under discussion is with the majority of those of the same opinion. Where the numbers are equal the President decides.

VIII. At the meetings of the assembly every member may maintain his views fully and minutely, nor shall he be called to account even though he touch forbidden matters.

IX. If when the Crown consults the assembly on a measure their discussion of it proves unsuitable to the times, the bill may be withdrawn by an Imperial decree. This rule does not apply to other bills.

X. The general bills brought forward by the Crown affecting local interests, taxation, etc. will be laid before the assembly for its decision which in turn will be reported to the Emperor, and he will himself decide whether or not they shall be put into execution.

XI. When the assembly decides in favor of any measure brought forward by a member, it should be laid before the Emperor who will decide whether or not it shall be adopted.

XII. The President will of course be appointed from among the members, but until a good plan of doing so has been decided upon, the selection will be made by the Emperor himself.

XIII. The duties of the President are to enforce the observation of the rules of the assembly, to control the members, to cause discussion with respect to bills proceeding from the Crown and others, to consider fully the purport of the arguments adduced by members and to give a decision in the case of equal



numbers on both sides. At meetings of the assembly, however, he will not be allowed to express his own opinions.

#### PREFACE TO THE RULES OF THE ASSEMBLY.

By "greater assembly" in the rules of the assembly is meant the ordinary meeting of the members at which a number of subjects may be discussed in order one after the other.

By "lesser assembly" is meant "committee meeting" which differs from the ordinary meeting. For instance, after a measure has been approved by the "greater assembly," when it is desired to discuss minutely such matters as the provisions of the bill or the working of the clauses, a special meeting is opened at which the President vacates the chair and takes his seat along with the other members, and takes part in the debate. At meetings of this kind only the subsidiary provisions of a measure can be decided, and no other subjects of discussion must be introduced. On these occasions the Chief Chairman acts as President. A "lesser assembly" may consist either of all the members present, in which case it is called a "general lesser assembly" (committee of the whole house), or a number of the members may be specially commissioned to deliberate on a question, in which case it is called a "select lesser assembly" (select committee). Whether the question is referred to a general lesser assembly or to a select lesser assembly will be decided at the time according to its importance.

#### RULES OF THE ASSEMBLY.

I. The Chief Chairman. His duty is in the absence of the President to supply his place, and to preside over meetings of the "lesser assembly." In other respects his duties are the same as those of the other Chairman.

II. Chairmen. They have the right of managing all the business of the assembly under the direction of the President, and they examine all memorials and petitions to ascertain whether or not they should be laid before the assembly.

III. Secretaries. The secretaries attend to all the records of the assembly.

IV. Assistant Secretaries. The Assistant Secretaries assist the Secretaries in the keeping of the records.

V. Treasurer. The Treasurer manages the expenditures in connection with the assembly.

VI. Assistant Treasurers. The Assistant Treasurers shall assist the Treasurer in managing the expenditure connected with the Assembly.

The above six officials are of *sonin* rank, and are appointed by the Crown on the nomination of the President; those of *han-in* rank are appointed by the President at his own discretion.

VII. The members are sixty-three in number. The Chiji of the three Fu, and the Kenrei of the various local jurisdictions, while retaining the full authority of their proper offices, are all to be considered as the representatives of the entire nation when they attend the assembly.

VIII. For the sake of convenience in making investigations, the members shall be previously divided into sections as the President shall think fit.

IX. The arrangement of the seats in the assembly shall be previously decided by lot, and each chair shall be numbered. At every sitting members shall occupy their own chairs. When the President makes his appearance in the assembly-hall the members and secretaries shall salute him by standing up. The arrangements of the assembly-hall as well as other arrangements for the day are to be superintended by the Chairmen and the Secretaries.

X. The hours of the sittings shall be from 9 o'clock in the forenoon till 4 in the afternoon, but the sittings may be either extended or curtailed when convenient by the President.

During the session the members shall attend daily and shall investigate matters relating to the deliberations of the assembly. In regulating the times of meeting the President should consider the amount of business on hand.

XI. The first meeting (the first reading of a bill). The President explains the principle of the bill on which the assembly is consulted by the Crown, and distributes copies of it among them, thus enabling them to make themselves acquainted with its purport. The members all stand up to listen, and when they have retired from the assembly carefully read and consider the bill.

XII. The second meeting (the second reading). Each member having stated in writing his views respecting the bill which has been previously been put into his hands, reads his paper aloud, or he may deliver his opinion *viva voce*, and in either way discuss the matter freely.

If two or more speakers rise at the same time, they shall speak in the order of the number of their seats. Whilst one member is speaking, the others shall listen in silence, and allow him to be heard over the whole hall.

XIII. The third meeting (the third reading). Each member having reflected on the discussion of the previous meeting marks in red ink upon the bill the word "for" or "against," and on this day hands it to the President, who ascertains on which side the majority rests, and thus decides for or against the bill. He then causes a draft decision to be drawn up by the secretaries and communicates it to the members. Any further amendments he shall refer to the "lesser assembly" and when a clean copy is made he shall lay it before the Emperor.

The members shall attach their seals to the original in token of the fact that they have perused it.

XIV. In cases where a bill brought forward by the Crown is such that it is necessary to discuss its details, and it is impossible to answer simply "for" or "against," the President will explain this clearly at the first meeting, whereupon the members will, after retiring, maturely consider them and prepare drafts setting forth their views, which will be referred to a number of competent members. These members will prepare a draft embodying the views of the majority of the same opinion. This



draft will then be laid before a "lesser assembly" and be fully discussed. At the second meeting the suitable provisions are finally determined, amendments made and a reply framed.

XV. When any member wishes to bring in a bill, he furnishes a copy of it to the President, and when the President considers it fit to be laid before the assembly for discussion, he puts it to the meeting and the mover of the bill shall answer such questions as may be put to him respecting the bill.

When a member wishes to bring forward any matter for discussion he must announce the general purport of it at least six days previously.

XVI. The President shall open the discussion of all matters brought forward for consideration by members by causing the secretary to read the bill aloud. If at this time the proposer of the bill wishes in person further to explain it to the assembly so as to make them thoroughly comprehend its purport, he may do so after the secretary has finished the reading, the President's leave having been obtained.

XVII. In the case of important matters where the sense of the bill cannot be gathered by simply hearing it once read by the secretary, copies should be distributed to the members before the meeting.

XVIII. In cases where the provisions of a bill seem on the whole worthy of being adopted, but it has been decided to amend parts which have not been thoroughly considered, the President will consult the members again as to the character of such amendments, and learn all their opinions fully. He shall then direct the secretary or some members chosen for the purpose to prepare a draft of these amendments which should be discussed in the "lesser assembly."

XIX. When memorials or petitions are presented through local authorities, they are to be laid before a Chairman who shall examine whether or not they ought to be brought forward for discussion. If his decision is favorable, he lays them before the President, who submits them for consideration

to the assembly. If his decision is unfavorable they are returned.

XX. In the case of urgent business a decision should be come to even though lamps are lit and the sitting be protracted till midnight, and in such cases a "second meeting" need not be waited for.

XXI. At a "greater assembly" if member A wishes to make an inquiry of member B, he must do so in presence of the President, and when B has addressed his reply to the President, A shall not be allowed any further discussion of the matter. But if B has misunderstood the question, A may address the President in explanation of the cause of his doing so.

At a "lesser assembly" alone are repeated rejoinders allowed.

XXII. Members should strive to carry on the discussion with disinterestedness and impartiality, and they should be guided by justice and unselfishness. If any of the members infringe any of the rules of debate the President will call him to order, and in the case of repeated offences the offender should, after deliberation, be expelled from the assembly. The President should correct any erroneous statements which may be made in the course of the debate.

XXIII. It is the etiquette of the members to remove their hats on entering the hall of assembly.

XXIV. If for any reason a member is absent on the day of meeting he may intrust to another member the discussion of any matter which he pleases, but no one member can hold two such authorisations.

XXV. No meeting will take place if six-tenths of the members are absent.

*J.W.M.*, 1874, May 9, pp. 367-69.

## 2. MEMORIAL ON THE DELIBERATIVE ASSEMBLY.

(Addressed to the Daijōdaijin, June 1874.)

We humbly make the following representation, and unworthy as we are, we gratefully acknowledge our undeserved appointment to the position of local officials. In the discharge of the duties of this office, it has been our endeavor, in respectful compliance with the Imperial will, to explain to the people in a friendly way how careful the government are for their welfare, to give their ideas a uniform bent, to cause them to attend industriously to their avocations, and to stir up a desire to co-operate with the government in securing the national welfare.

Last year upon the return of the Ambassadors,<sup>1</sup> when the question arose of sending an expedition against Korea, there was a division of opinion among the high officers of state, and several dismissals and appointments were the result. After that there was the murderous attack upon the Udaijin, and the insurrection which disturbed the western provinces. Immediately after an expedition was suddenly taken against Formosa. Since then there has been much confused discussion and the minds of the people have not been at rest.

Before this the government sent out commissioners in all directions to inform us that the creation of a Home Department<sup>2</sup> had been resolved upon, which should devote its attention to administration. We imagined that this measure would ensure that the admonitions tending to good government would now be effectual, and not being able to contain ourselves, we leaped for joy, and strenuously instructed the people under our jurisdiction.

However, upon examining the mode in which Home Affairs are dealt with, we see that old rules are still maintained, and that reforms have been neglected. On the contrary, since the Home and Finance Departments have become separated,

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1. The Iwakura mission to America and Europe.

2. *Supra* p. 36.



business has been embarrassed with troublesome details, and in numerous cases we receive no answers to our references and applications. After all where are the advantages which the Government led us to expect?

We have heard that the right of foreigners to travel freely in the interior will be demanded on the occasion of the revision of the Treaties. But whilst the constitutional and civil law of this country are still unsettled, and the tax regulations are unreformed, this measure if once granted would produce a multitude of evils which would be pregnant of some irremediable disaster. This, together with the matters above referred to by us, are matters of great import to the country, and are unceasing causes of extreme difficulty to the government and of anxiety to ourselves.

Fortunately by Notification No. 58 of May 2nd last,<sup>1</sup> an assembly was announced of the chief officials of the fu and ken. The announcement was made known to us last year, along with the regulations therefor. The date of meeting of this assembly we have looked forward to with great expectancy, and although more than a month has passed, it has not yet been announced to us. Now that important national concerns are pressing upon us, and that the people are full of apprehensions, there is no time like the present for opening the assembly. We pray that the day of meeting may be at once fixed and announced to the empire, and that the chief officials of the fu and ken may be summoned together and caused as representatives of the people to unfold their ideas, that, after referring the matter to public discussion, the powers of the Daijōkwan may be determined, and fixed rules established for the administration of fu and ken, and that we may be informed by what we ought to be guided, and what should be our policy in the future. If this is done, the apprehensions of the people will be removed, and each one will be enabled to live peaceably in his station. But if it is not done, it will

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1. *Supra*, p. 505 ū.

be like launching a ship out into the open sea, and entrusting it to the winds, ignorant whether it be driven to the east or the west. Ought not in such a case the charge of the protection of the people which devolves upon us as local officials to send a chill to our hearts.

With fear and trembling we humbly pray you to appreciate these unconnected ideas of ours and to make them known to His Majesty.

(Signed) KUSUMOTO MASATAKE, Kenrei of Niigata Ken.  
 NAKAJIMA NOBUYUKI, Kenrei of Kanagawa Ken.  
 AMBA YASUKADZU, Kenrei of Fukushima Ken.  
 MORISHITA KANEMASA, Gon-Kenrei of Oita Ken.  
 MIYOSHI CHIKAAKI, " " of Tottori Ken.  
 IWAMURA TAKATOSHI, " " " Saga Ken.  
 SEKIGUCHI RINKICHI, " " " Yamagata Ken.  
 MORI KIOSUKE, Sanji of Shidzuoka Ken.  
 KATA SOICHI, Sanji of Akita Ken.  
 ISHIBE SANENAKA, Sanji of Okayama Ken.  
 NISHINO TOMOYASU, Gon-Sanji of Miōdō Ken.  
 SAKAI JIRŌ, Gon-Sanji of Shinjane Ken.  
 UYEMURA YUKIMASU, Gon-Sanji of Miyasaki Ken.  
 KARA SUKEYUKI, Temp. Official 7th rank of Ibaraki Ken.

*J.W.M.*, 1874, Aug. 8, pp. 639-40.

### 3. A SECOND MEMORIAL ON THE DELIBERATIVE ASSEMBLY.

(By the same to the same, July 1874.)

We humbly beg to make a representation. On the 17th of last month, we represented that the opening of the assembly of the local authorities is a matter of urgent national importance at the present time. We afterwards learned the decision made known by Notification No. 81<sup>1</sup> of the 22nd July. With regard to this

1. *Infra* p. 520, foot note.

Notification we have now again considered what arrangements are suitable under the present circumstances, and pray that the amendments and additions set forth in the enclosed paper may be made to the constitution and rules of the deliberative assembly published in Notification No. 58 of the 2nd May last.

These amendments are proposed in the most loyal spirit, and it will occasion us intense disappointment if they are rejected. If there are any points as to which you have any doubts, we humbly pray that you will kindly question us upon them.

We humbly beg you to take this matter into your consideration, and favor us with your decision.

PROPOSED AMENDMENTS TO THE CONSTITUTION AND RULES  
OF THE DELIBERATIVE ASSEMBLY NOTIFIED  
ON THE 2ND MAY LAST.

CONSTITUTION.

I. The rule should be for the session to begin on the 1st March and last till the 30th April. This is for the reason that during the rest of the year the time is too much taken up with local administrative business, and also in order to avoid times of excessive heat and cold.

V. This Article with Articles X. and XI. provide that when the assembly has decided a matter in the affirmative or the negative, it shall be the sole prerogative of the Emperor to resolve whether or not its decision shall be carried out. In cases however where the decision of the assembly is reversed, it is essential that the assembly shall be fully informed of the grounds of such reversal, and the principles upon which it rests, so that the members of the assembly may acquiesce in it, and no feeling of dissatisfaction be left. If two-thirds of the assembly do not acquiesce in the reversal it ought to be competent for them to represent their reasons a second time to the Emperor.

VI. This Article insists on the importance of the assembly in their deliberations weighing well considerations of practical



convenience in the carrying out of a measure. It is true that the members of our assembly, unlike those of civilised foreign nations, have no legislative powers, but in regard to questions of convenience or inconvenience in practice, although it will not always be possible to avoid the evil of frequent changes in the orders given by the government arising from the acceptance or rejection of our decisions, the best plan will be, when the government introduces any law, to submit it for thorough discussion, so that afterwards when it comes to be put into execution it will need no alteration. Hence all new laws should be submitted for the decision of the assembly and decided accordingly. There is no objection, as a temporary arrangement, to the question of whether or not a measure is to be put into execution being settled as provided for in Articles V., X. and XI.

IX. This Article provides that a bill is to be withdrawn by Imperial decree if its discussion proves unsuitable to the circumstances of the time.

As we have already pointed out in speaking of Article V. it is essential that the causes and principles which render the discussion unsuitable to the circumstances of the time should be fully explained to the assembly and their assent obtained.

XII. This Article says that the President will of course be appointed from among the members of the assembly, but until a good mode of appointment has been settled, the President will be appointed by the Emperor as a temporary arrangement. This matter ought certainly to be decided at the very first meeting of the assembly.

#### REGULATIONS OF THE DELIBERATIVE ASSEMBLY.

I. As it is sometimes the duty of the Chairman of Committee to take the place of the President, if the President is to be chosen from among the members of the assembly, the Chairman of Committees and the Chairman of the Special Committees also should be appointed from among the members.

VII. This regulation provides that the members should

continue to discharge their duties as Chiji or Kenrei. We think however that while attending the assembly in their capacity as the representatives of the nation, they should be entirely released from all responsibility with respect to their proper offices.

XIX. This regulation provides that all memorials and petitions shall be laid before the Chairman, who will examine them and determine whether they should be laid before the assembly or not, and that if he approves of their being brought before the assembly, he will place them in the President's hands, who will bring them before the assembly, but if he does not they will be returned. We think, however, that it is the wish of persons who present memorials or petitions to the assembly, to obtain their being submitted for public discussion by the assembly, and that the decision as to whether they should or should not be so discussed, ought not to rest with the Chairman alone, but should depend on public discussion.

#### PROPOSED ADDITIONS TO THE AFORESAID CONSTITUTION AND RULES.

##### RULES OF DEBATE.

I. When the Government refers a matter to the assembly, or a proposal is made by a member of the assembly, or a memorial is laid before it of such a kind that it might afterwards become a law, it will be impossible to avoid the evil of inconsistency in the details of its actual working afterwards, if the draft laid before the assembly only gives a general outline of the measure. For this reason such draft-bills, when laid before the assembly for discussion, should contain a distinct recital of the clauses, rules, and arrangements by which its practical working is to be carried out.

II. Not only the constitution and rules of the assembly and other new measures, but all alterations of hitherto existing regulations ought necessarily to be laid before the assembly for public discussion.

III. Whenever the course of a debate renders it desirable,

it should be allowed to ask to be produced for the inspection of the assembly, the books and records of the different Departments. Amongst other things it should be competent to question the Shô<sup>1</sup> and receive answers from them respecting such matters as the circumstances under which foreign treaties are concluded, and internal administrative arrangements, the receipts and disbursements of the treasury, alterations in the criminal law by the Shihôshô,<sup>2</sup> etc. are made.

IV. The public ought to be freely admitted during the session except at meetings for the discussion of secret government matters.

#### STATUS OF MEMBERS.

I. All members of the assembly whether Chiji, Kenrei or Sanji shall be released from all responsibility in respect to the duties of their proper office during the time they act as members, and during their journeys backwards and forwards for this purpose.

II. All members shall be of equal authority whilst they are members, irrespective of their degrees or rank in their proper offices.

III. All members being relieved from the responsibility of their proper office during the session, the government will not make any appointments, dismissals or removals during the session.

IV. No member can be summoned before the Shihôshô or tried without the consent of the assembly, for any offence committed previous or during the session.

V. The desire expressed in the Imperial decree being, by the appointment of persons as representatives of the whole nation, to cause the people to take a deep interest in matters of national concern, the members of the assembly should be at liberty, with a view to inculcate this lesson, to bring with them from their jurisdictions such persons as they think fit to be appointed as representatives.

*J. W. M., 1874, Aug. 8, pp. 640-41.*

1. The Department of State.

2. The Department of Justice.



4.—POSTPONEMENT<sup>1</sup> OF THE MEETING OF THE DELIBERATIVE  
ASSEMBLY OF LOCAL GOVERNORS.

(Notif. No. 107, Aug. 17, 1874.)

It is hereby notified that His Majesty has, for reasons of expediency, decreed the postponement of the meeting fixed for the 10th proximo of the Deliberative Assembly of Local Governors, the convening of which was formerly announced.<sup>2</sup>

*J.W.M.*, 1874, Aug. 22, p. 678.

5.—THE IMPERIAL SPEECH AT THE OPENING OF THE CHIHOKWAN-KWAIGI IN 1875.

Our object in opening in person this the provincial parliament has been by its means to secure the thorough discussion of all matters affecting the interior economy of Our empire, and of securing to the provinces adequate representation. You have been convoked for this purpose, in order that your knowledge of the condition and feeling of the people of your several districts may aid you in discussing their requirements and introducing such reforms and changes as may seem to you to be most urgently demanded.

It is Our wish that your deliberations should be marked by general harmony, and that, sinking minor differences, they should tend to promote the ends in view in calling you together.

If with one mind you adhere steadily to this course your conduct will surely be conducive to the general welfare, and thus your deliberations may become the foundation of the eternal welfare of the empire.

Understand therefore Our views.

*J.W.M.*, 1875, June 26, p. 548.

1. This action was taken by the Government in view of the strained relations between China and Japan over the Formosan expedition.

2. On July 22, orders were issued to the fu and ken that the local officers should arrive in Tōkyō not later than the 10th of September to attend the Local Officials Assembly.

## 6. THE REPLY TO THE IMPERIAL SPEECH AND THE IMPERIAL REJOINDER.

We cannot foretell the results of this our assembling, in which we have no experience to guide us. But if happily inspired by Your Majesty's benevolence and justice, the results of our deliberations, duly made known to Your Majesty, should contribute towards the welfare of the people, then not in vain will the Imperial will have gone forth, and the efficiency of the Chihokwan-kwaigi will be apparent to all. Our earnest endeavors will be directed to this end.

### THE IMPERIAL REJOINDER.

It was Our intention to have convoked this assembly in May of last year, but at that time Our foreign affairs were attended with some perplexities and demanded its postponement. We greatly rejoice that the members have assembled together.

This being your first meeting, for which our history affords no precedent nor guiding law, Our hopes are based upon the tenor of your reply, and We confidently trust that your efforts will avail to bring forth from deep sources streams of lasting happiness to the people.

*J.W.M.*, 1875, June 26, p. 549.

## 7. CONSTITUTION<sup>1</sup> AND RULES FOR THE CHIHOKWAN-KWAIGI. (Imp. Dec. No. 9, Mar. 15, 1878.)

### CONSTITUTION.

I. A session of the assembly of local officials shall, as a general rule, be held once in every year; the dates of the opening and closing of the session shall be fixed by the government, who will, at the appointed time, summon the chief local officials from all cities and prefectures. Should any of the

1. A complete revision of Imp. Dec. No. 58, May 2, 1874.

latter be prevented from attending the assembly, he may be represented by his secretary.

II. The Ministers of the several administrative Departments or their representatives shall be entitled to attend at the Chamber for the purpose of discussing and explaining the bills under the consideration of the assembly, provided that they shall not be entitled to vote.

III. His Majesty the Emperor will graciously be present at the ceremonies of opening and closing each session of the assembly.

IV. All questions shall be decided by a majority of votes ; in case of the number of votes being equal the President shall have the casting vote.

V. The President shall introduce all bills for debate, and he shall subsequently submit the same, as passed by the assembly, to the Emperor for the Imperial decision.

VI. When any member wishes to introduce a bill of his own for discussion by the assembly, he shall hand a draft of his bill to the President.

VII. The President shall be appointed directly by the Emperor by special mandate ; the other officers will be appointed upon the recommendation of the President in the manner appropriate to the appointment of officers of the second grade ; and, in the case of those in and below the third grade by the President himself.

VIII. President :—His duties are to exercise authority over the assembly generally, and to enforce the " Law of the Assembly " and the " Rules of Debate."

First Official Chief of the Chamber :—His duties are to act for the President in his absence and to preside over the assembly when sitting in committee. In other respects the duties of the First Official Chief are the same as those of the other Official Chiefs of the Chamber.

Official Chiefs of the Chamber :—Their duties are to



control and transact all official business connected with the Chamber under the direction of the President.

Secretaries :—Their duties are to revise drafts of bills, to keep the official records, and generally to transact the secretarial business of the Chamber.

Chief Accountant :—His duties are to take charge of the financial business of the Chamber.

Clerks :—Their duties are to transact such miscellaneous business as shall be assigned to them respectively.

#### SITTINGS, DEBATES, ETC.<sup>1</sup>

##### SITTINGS.

I. Unless there is present at a sitting an absolute majority of the total number of members, no business shall be done.

II. The commencement and close of every debate shall be declared by the President.

III. The seats of members shall be fixed by means of lots as the commencement of every session.

IV. During debate, the number of the member's seat, not his name, must be mentioned.

V. The President shall have power to stop any member speaking, or to put an end to the debate.

VI. All questions arising incidentally in the course of debate, not being questions on the subject of the debate itself, shall be decided by the President himself or by the vote of the Chamber.

VII. Strangers shall be admitted to listen to the debates ; provided that they may be excluded, or their admission regulated or restricted, according to circumstances.

##### BILLS AND AMENDMENTS.

VIII. Bills are sent to the Chamber for consideration by the Cabinet.

1. These rules were originally promulgated by Imp. Dec. No. 58, 1874, and were revised in 1880 by Imp. Dec. No. 3 issued on Jan. 21.

IX. Copies of bills and reports shall be distributed among the members beforehand.

X. Amendments may be moved both on the second and third readings of a bill; provided that any amendment, not seconded on the second reading of the bill, or not supported by at least five members on the third reading, shall not be debated upon.

XI. A member wishing to move an amendment to a bill before the Chamber, may either hand his amendment in writing to the President or move it verbally in the course of the debate.

XII. Amendments which have once been rejected cannot be brought forward again at the same stage of the bill.

#### DEBATES.

XIII. Debates upon bills or reports shall not take place until at least one clear day after the copies of the same have been distributed among the members; provided that where emergency is declared this rule may be disregarded.

XIV. Before the debate is opened the President shall direct the secretary to read the bill.

XV. Bills are to be read three times.

XVI. Upon the first reading the general principle of the bill shall be considered, and a decision shall be taken whether the bill shall be read a second time. If the decision be in the negative, the bill shall be considered rejected, if in the affirmative the President shall appoint a day for the purpose.

XVII. Upon the second reading the bill shall be debated clause by clause, and a decision taken as to whether the bill shall be read a third time. If the decision shall be in the negative the bill shall be considered rejected, if in the affirmative the President shall appoint a day for the purpose; provided that if any of the clauses or paragraphs agreed to require verbal amendment, the question as to whether the bill shall be read a third time shall not be decided until a report upon such

amendment has been presented by a committee appointed for the purpose.

XVIII. Upon the third reading a bill shall be finally decided, as a whole.

XIX. A bill shall not be read a third time until at least one clear day after the second reading; provided that when emergency is declared this rule may be disregarded.

#### SPEECHES.

XX. A member wishing to speak in the Chamber shall rise from his seat, and, before commencing his speech, call upon the President in order to obtain his permission to speak.

XXI. If the President consider that a member is not speaking to the question he shall have power to stop him.

XXII. If a member consider that another member is not speaking to the question, he may cry "Question" and may, by permission of the President, state his grounds for so doing in a single speech. If the member whose speech has been objected to, insist upon the relevancy of his remarks, he may, by permission of the President, state his grounds in a single speech. The President shall thereupon either decide the question himself or put it to the vote of the Chamber; provided that when a member's speech has been thus declared irrelevant he shall immediately cease speaking.

XXIII. If a member consider another to be out of order he may, even whilst that other or some third member be speaking, cry "Order"; and may, by permission of the President state his grounds in a single speech. If the member thus called to order do not consider himself to have been out of order, he may, by permission of the President state his grounds in a single speech. The President shall thereupon either decide the question himself or put it to the vote of the Chamber; provided that when a member is observed to be out of order whilst another member is speaking, if his disorderly conduct has not the effect of interrupting the member speaking, attention should not be



called to such disorderly conduct, until the member speaking has concluded his speech.

XXIV. Upon the third reading of a bill no speaker shall be heard more than twice.

#### DECISIONS.

XXV. Every question shall be decided by the vote of an absolute majority of the members present.

XXVI. All the members present must vote upon every question put.

XXVII. The vote shall be taken in one of the three following ways, viz.—(1) by sitting and standing ; (2) by signed voting papers ; (3) by unsigned voting papers. The method to be adopted in each case shall be at the discretion of the President.

XXVIII. If there a difference of opinion as to the order in which bills shall be debated, the President shall before any debate is opened, either decide the question himself or put it to the vote of the Chamber.

XXIX. Amendments shall be submitted for debate before the original clauses upon which they are moved. When there are several amendments the one differing most from the original clause shall be taken first. If there be a difference of opinion as to the order in which amendments are to be taken, the President, before submitting any of them to debate, shall either decide the question of priority himself or shall put it to the vote of the Chamber.

XXX. If it should be proposed either by the President himself or by two or more members to consider a portion of a bill apart from the rest, or to consider a group of bills together, or to consider certain clauses or paragraphs out of their order, the President shall either decide such matter himself or put it to the vote of the Chamber.

XXXI. If, whilst discussion is still going on, the President considers that the subject has been fully debated, he may state his opinion to the Chamber ; and upon a vote of the Chamber

being given in the same sense, he may proceed forthwith to take the decision of the Chamber upon the main question in debate.

XXXII. The votes shall be counted by the secretary and declared by the President.

#### COMMITTEE OF THE WHOLE CHAMBER.

XXXIII. Sitzings in committee of the whole Chamber shall be held when it is deemed expedient to hold them for the purpose of putting questions upon bills, or upon reports of select committees, to the framers of such bills or reports, or when it is desired to hold a private consultation to decide upon the answer to be returned to questions submitted to the Chamber by the government.

XXXIV. No strangers shall be admitted to the Chamber when the committee is sitting.

XXXV. The rules herein need not be applied to the Chamber when sitting in committee, except Articles XLII., XLIII., and LXIV.

#### SELECT COMMITTEES.

XXXVI. If it be proposed by the President or by two or more members, to appoint a committee to examine any bill or amendment, the proposal shall be put as a motion and decided by the vote of the Chamber.

XXXVII. Committees shall be appointed from among the members of the Chamber either by the President himself or by the vote of the Chamber; provided that every committee shall consist of an uneven number of members.

XXXVIII. Committees may in their reports recommend the adoption, rejection or revision of the whole or part of any bill or amendment referred to them. The decisions of a committee shall be taken in accordance with the votes of an absolute majority of the members. If a committee be divided in opinion into more than two sections, and an absolute majority of the whole committee cannot be obtained in favor of the opinion of

any one section, the opinion of the largest section shall be adopted in the report; but the circumstances must be reported to the President of the Chamber; provided that notwithstanding that, in the cases contemplated in the proviso to Article XVII., the committee shall be empowered to transpose clauses or paragraphs, to make verbal amendments, or propose new clauses or paragraphs in place of those rejected, nevertheless it shall not be empowered to alter the sense of paragraphs or clauses agreed to by the Chamber.

XXXIX. The mover of an amendment may attend the sittings of a committee for the purpose of stating the grounds of his amendment; provided that he shall not be entitled to vote upon the decision.

#### REPRESENTATIVES OF THE CABINET.

XL. The Cabinet shall send a representative or representatives to attend the sittings of the Chamber, or of the committee of the whole Chamber, or of select committees, for the purpose of stating the grounds of the bills sent by the Cabinet; provided that the representatives so sent shall observe these rules, but shall not be entitled to vote upon the decision.

#### PRESERVATION OF ORDER IN THE CHAMBER.

XLI. The President may, when occasion arises, give such orders as he may think fit to the police officers attached to the Chamber for the purpose of preserving order in the Chamber.

XLII. In the Chamber members are not permitted in any case to extend their observations so far as to advert to the character of individuals whether in praise or blame.

XLIII. During debates members are not permitted to converse among themselves or to act in any other way calculated to interrupt the debate.

XLIV. During debates members are not permitted irregularly to leave their seats.

XLV. Members arriving late must obtain permission from the President before taking their seats.



XLVI. No person shall be admitted into the Chamber during a debate without the permission of the President.

XLVII. Any person violating the Rules in the Chamber, and not immediately desisting on the order of the President, shall be expelled from the Chamber.

#### SUPPLEMENTARY RULES.

XLVIII. The President may, if he thinks desirable, divide the members into groups and let each group appoint one of their number to act on their behalf in receiving and distributing among them notices and other papers.

XLIX. Any member absenting himself from a sitting shall report the cause of his absence to the President.

*J.W.M.*, 1881, pp. 847-49.

### 4.—PRESS AND PUBLICATION REGULATIONS.

#### 1. REGULATIONS GOVERNING THE PUBLICATION OF BOOKS (TOSHO-KAIHAN-NO-KITEI.)

Any book may be published, provided that the author gives notice of his intention beforehand to the local authorities. The local authorities shall thereupon apply to the government for its approval, forwarding along with the request the manuscript of the proposed book, and the name and address of the author. When the approval of the government has been given, and the book has been published, a copy of the book shall be sent to the government.

I. When it is desired to issue a new edition, or to change the size of a book or map already printed, the permission of the government is necessary. When the new edition has been printed a copy must be sent to the government.

II. The titles of books hitherto published, and the names of their authors, as well as the dates on which the approval of

the government was given, shall be carefully compiled and sent in to the government by February of this year.

III. Although it was strictly forbidden by one of the recent proclamations to publish a book with the same contents as that of another, it seems to be a common practice among authors and publishers to issue under different titles books of other writers. Any one who commits such an offence must certainly be punished.

*H-Z.*, 1869, 44.

## 2. BOOK AND PRESS REGULATIONS<sup>1</sup> (SHUPPAN-JŌREI).

I. Any book to be published shall have inscribed upon it the name and address of the author, the publisher, and the book-seller. A printed sheet of paper shall conform to the same regulations.

II. Any one who promulgates his views, accuses others falsely, publishes political secrets, or makes statements which lead others into lewd practices, shall be punished, due consideration being given to the nature of the offence. (The reference here is obviously to published statements such as were current in the so-called newspapers of the day.)<sup>2</sup>

III. The author of a book shall be protected by the government, so that he may be allowed to enjoy the pecuniary benefits arising from a monopoly of the sale of his book.

This protection shall, as a rule, last only during the life of the author; however if some of his relatives desire the prolongation of the term, their request shall be entertained.

1. It must be borne in mind that the newspaper was in its earliest infancy in Japan when this law was issued. Printing was in all cases done by means of blocks, and the sheets sold were of the roughest description. For a short account of the history of the Japanese press see Denning, *Japanese Modern Literature*, p. 90 ff. *A. S. J. Trans.*, Vol. XLI, Part I.

2. The parenthesis is added by the editor.

IV. Before the publication of any book can be undertaken, information as to its title, the names and addresses of its author and proposed publisher, and its contents, shall be sent to the School (Shōhei), along with a request for permission to issue the book. The School shall examine the petition and affix its seal thereto and return it to the petitioner, and the document thus sealed shall constitute a certificate of permission. The date of the official permission shall be inscribed in the book.

V. Any one who requests permission to publish a book shall state in his petition that copies of the book shall be sent to the government after it is published. In case the book has not been printed after an interval of several months, he shall be required to ask for an extension of the term during which the permission holds good.

VI. After a book has been printed five copies shall be sent to the School, and shall be distributed among the libraries.

VII. In case a book has been published without permission from the Government, the blocks together with the copies of the book shall be confiscated.

Money which has been obtained by the sale of the book shall also be confiscated by the government.

VIII. Any one who sends in false information when asking for permission to publish a book shall be fined.

This rule shall apply even in cases where the book has not yet been published or sold.

IX. In case a book having the same contents as one by another author is published, the blocks along with copies of the book shall be confiscated, and a fine shall be imposed upon the publisher. The book-seller shall also be fined. The amount of the fine in such cases shall be determined after due consideration has been given to the loss suffered by the original author and publisher.

X. Anyone who reprints a foreign book shall be protected by a copyright. In cases where an edition of a book has been



destroyed or injured permission may be granted to bring out another edition.

XI. Any original or reprinted book may be published without liability to a penalty for "pirating" provided the parties to the arrangement have agreed beforehand.

XII. Books dealing with military subjects, whether original or translated from foreign languages, may be published at any time, for it is necessary that military science should be kept up-to-date.

XIII. All printed matter shall have to conform to the above regulations.

XIV. Pictures, portraits, caricatures, etc. shall conform to the above regulations.

*H-Z., 1869, 174.*

### 3.—BOOK AND PRESS REGULATIONS.

(Notif. of the Department of Education, Jan. 13, 1872.)

I. Any book to be published shall have inscribed upon it the name and address of the author and the publisher.

A printed sheet of paper shall conform to the same regulations.

II. It is forbidden to abuse the existing laws or to accuse others falsely in a book.

III. The author of a book shall be protected by the government, so that he may be allowed to enjoy the pecuniary benefits arising from a monopoly of the sale of his book.

The regulations concerning copyright privileges shall be promulgated along with the general tax law.

IV. Before the publication of a book can be undertaken, information as to its title, the names and addresses of the author and proposed publisher, and its contents shall be sent to the Department of Education (Mombushō). The Department of

Education shall examine the petition and affix its seal thereto and return it to the petitioner, and the document thus sealed shall constitute a certificate of permission to publish. The date of the official permission shall be inserted in the book.

V. The same as Article V. in the Regulations of May, 1869.

VI. After a book has been printed three copies shall be sent to the Department of Education.

VII. In case a book has been published without permission from the government the blocks together with the copies of the book shall be confiscated, and a fine shall be imposed.

VIII. The same as Article VIII. of the Regulations of May, 1869.

IX. In case an author's book has been republished secretly the blocks together with the copies of the book shall be confiscated and punishment shall be inflicted after due consideration of the circumstances of the case.

X. The same as Article X. of the Regulations of May, 1869.

XI. The same as Article XI. of the Regulations of May, 1869.

XII. The same as Article XII. of the Regulations of May, 1869.

XIII. All printed matter shall conform to the above regulations.

Newspapers, pictures, portraits, and caricatures, etc. shall conform to the above regulations.

XIV. The terms to be used in referring to foreign countries are as follows :—

Gwaikoku, to foreign countries in general.

Eikoku, England.

Fukkoku, France.

Fukoku, Prussia.

Rokoku, Russia.

Beikoku, The United States of America.

## 4. NEWSPAPER REGULATIONS.

(Notif. No. 352, Oct. 19, 1873.)

I. Every issue of a newspaper must be marked with its proper number.

II. Supplements must be marked with the number of the issue to which they belong.

III. No supplement may be issued if a number of the paper is not issued along with it.

IV. When the official seal of authorisation has once been attached to the letter of application, it is unnecessary to submit each number of the paper for inspection.

The application should be drawn up in the same form as that for permission to publish a book.

V. Every number must have printed on it the year, month, day, and place of issue, and the names of the editor and publisher.

VI. When printed one copy must be sent to the Department of Education and one to the local government office.

VII. If they have no evil tendency the following subjects are admissible :—Extraordinary natural occurrences, fires, war, prices, produce, trade, births, deaths, and marriages, official notifications, literature, manufactures, amusements, clothing, land and houses, translations of foreign writings, miscellaneous foreign news, and other unimportant public matters.

VIII. Papers, correspondence, miscellaneous paragraphs, etc. sent to the paper may be published if they have been authenticated with the writers name.

IX. No newspaper may be established without official permission.

X. It is prohibited to attack the constitution of the government, to discuss the laws, or to cast obstacles in the way of the working of national institutions by the persistent advocacy of foreign ideas.

XI. It is forbidden to append uncalled-for remarks to the laws, etc. which are published in the papers.



XII. Moral teachings must not be introduced in such a way as to obstruct and injure the government.

XIII. It is forbidden to disturb or demoralise the minds of the people.

XIV. It is forbidden to denounce a man for crimes on the faith of groundless rumors.

XV. Editors must not take it upon themselves to publish remarks upon officials during their term of office, or their official conduct, or even anything, however trifling, which is connected with our foreign intercourse.

This prohibition does not extend to documents which have been notified publicly, or for the publication of which an official order has been made.

XVI. All errors which may have been made must be corrected.

XVII. The editor is responsible for giving explanations with regard to any matter upon which it may be necessary to question him.

XVIII. Any persons infringing the above regulations shall be punished in accordance with the law.

*J.W.M.*, 1883, p. 881.

##### 5. MEMORIAL CONCERNING THE PRESS LAWS.

(Addressed to the Sa-in, May 4, 1874.)

I am struck with wonder at my good fortune at living under the present reformed regime, and at a time of so great enlightenment throughout the world, and it is my intention to form a newspaper company, to publish in this newspaper the opinions of the people and to maintain their natural rights and liberties, by new arguments and striking opinions, to search for what is proper and fair, and to correct the errors of the time by honest criticism. I hope thus on the one hand to promote

enlightenment and on the other to advance the lustre of the blessings of peace. I fear, however, that Articles X., XI. and XII. of the Press Regulations notified in October last seem calculated not only to cramp the liberty of printing, but as a consequence to destroy the rights and the free communication of the people, to suppress intelligence and interfere with the opportunity for the increase of enlightenment.

Are not these Articles not a little in contradiction with the oath taken by the Emperor just after the Restoration, as it is clearly set forth in the beginning of the *Kempo-mi-hen*?<sup>1</sup> It states that everything will be decided by public discussion, and that intelligence will be sought for throughout the empire. Now it is well known to the government that in every country liberty of discussion in the newspapers is allowed, and I therefore pray that His Majesty, in the exercise of a wise discretion, will cancel these Articles and so disperse the cloud on the minds of the people, that he will largely adopt public opinion, seek for intelligence throughout the country and so add greatness to our country.

Humbly represented,

KITADA MASAYOSHI,  
Samurai of Ōsaka.

*J.W.M.*, 1874, p. 372.

#### 6. PETITION ON THE SUBJECT OF THE PRESS LAWS.

(Presented to the Sa-in, 1875.)

Since the new regime "newspapers" of various designations and the "*Nisshin Shinjishi*" etc. have been permitted to be established, which print matters of all kinds, from the records of the Sa-in downwards, and publish these throughout the country, so that even in the most remote parts of the realm the actions of the government, the many discussions of every place

1. Collection of Documents of the Constitution.

are known. This certainly tends in no small degree to the development of civilisation.

But there are in these newspapers what are known as anonymous communications, the authors of which either do not publish their names or write under a *nom de plume*<sup>1</sup> such as "the proprietor of such and such a grass-hut," and the drift of which is to find fault with and cavil at the course pursued by the government and to rail at the proceedings of the government Departments, the object (of the writers) being to make the government authority null and void.

With regard to the nature and intent of petitions<sup>2</sup> (presented to government) on various subjects, there is of course a difference amongst petitioners, inasmuch as some are learned and others ignorant, some wise and others foolish, but as each has a right to reflect and argue on his own honest convictions, he is perfectly justified in criticising the policy of the government, or in pointing out what (he thinks) right or wrong in the action of public Departments or prefectures. If the writers (of these anonymous communications) published their names, in the case of one (of these writers) failing to apprehend the true bearings of a question, he would be enlightened (by the government) on the point as to which he was ignorant and in error, and even if only one individual was thus converted to the right view, this might serve as an example to others and so be the first step to the advancement of civilisation.

To say evil things whilst concealing one's name is in short, if we reflect, the language of temporising fellows. Why is it that these persons who have (thanks to the government) lived in security hitherto in their country, do not acquiesce in the (recent) change of administration, a change wholly unprecedented in its magnitude? Why is it that they seek neither to

1. It was common in Japan in the case of anonymous writings for the author to sign himself "The proprietor of the grass-hut near the Sumidagawa" or "near Asakusa," etc., etc.

2. "Petitions" here used in contradistinction to the "communications" complained of.



learn from experienced men nor to enlighten those who are ignorant, nor desire to recompense the government for the benefits they have received, but with misdirected energy give vent to obstinate and selfish ideas?

It would be well, I think, if this class of people were warned, and if the government in accordance with the Newspaper Regulations made known by Notification No. 352 of the 9th day of the 10th month of last year the 6th year of Meiji, (Oct. 9th 1873) were to prohibit the printing at the *Nisshindo*<sup>1</sup> of (communications) having reference either to the government or laws of the country emanating from persons other than those authorized (to publish such).

The effect of these statements<sup>2</sup> is that the country people living in the most remote places and distant corners of the empire not only disregard the motive, cause, and object in view (of these communications), but even accept these perverted statements for the truth, and thus the (good) intentions of the government are thwarted and frustrated, and people are led astray into false beliefs.

The opinions I have stated are narrow and the arguments I have brought forward trivial, but in saying what I have said, I have been actuated solely by a desire to make widely known the benevolent intentions of the government.

#### THE OPINION OF THE SA-IN.

With regard to the subject of the petition, there are already laws enacted bearing on the conduct of newspapers, and discussion is not needed on that point.

As for "people living in distant corners of the country believing in the perverted statements," etc., etc., as regards all arguments and views the deeming of them good or bad, correct in their reasoning or mistaken, their adoption or rejection, these are matters which newspaper readers can decide for themselves.

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1. Name of a newspaper office.

2. *i.e.* those contained in the anonymous communications.

The original document has been returned with this expression.

*J.W.M.*, 1875, pp. 69-70.

## 7. THE NEWSPAPER PRESS LAW.

(Notification No. 101, June 28, 1875.)

I. Whenever it is desired to publish a newspaper or periodical magazine, the proprietor, or, if a company, the director, must send in a petition to the Home Department through the office of the *fu* or *ken* for permission to do so. In any case of publication without such permission a charge will be laid against the offender before the judicial authorities,<sup>1</sup> the publication will be put a stop to, and the proprietor or director as well as the editor and printer will be severally punished by a fine of one hundred *yen*. Any one who falsely describes himself as having obtained permission will be fined not less than one hundred and not more than two hundred *yen*, and his types and machinery will be confiscated.

II. The following particulars are to be inserted in the petition:—

1. The title of the proposed publication.
2. The time when published, whether daily, weekly, monthly, or at indefinite times.
3. The name and residence of the proprietor, or if a company, of the director or directors, exclusive of persons having only a share in the newspaper.
4. The name and residence of the editor, or where there are several editors, of the principal editor.
5. The name and residence of the printer. If the editor and printer are the same person, this should be stated.

Any false declaration with regard to the above five particulars will be punished by the stoppage or suspension of the publication, and by a fine of from ten to one hundred *yen*.

<sup>1</sup> The *fu* and *ken* authorities will act as prosecutors in the case of offences against this law.

III. In the event of the death or resignation of an editor or chief editor, the publication may be continued with a provisional editor or chief editor, but the name and residence of the new editor or chief editor must be reported by the proprietor or director to the office of the fu or ken within fifteen days at latest, counting from the day after the death or resignation. If a report is not made within this time, the publication will be suspended, and the proprietor or director will pay a fine of one hundred *yen*.

If any change should occur in any of the other particulars mentioned in Article II. the proprietor or director and editor or chief editor should report it jointly within at least fifteen days thereafter. Failure to report within the time specified renders the proprietor or director and editor or chief editor liable to a fine of one hundred *yen* each.

IV. No other persons than Japanese subjects can be proprietors or directors, editor or chief editor.

V. The proprietor or director may himself be also the editor or chief editor.

VI. When there are two or more editors one shall be selected and made chief editor.

The names of the editor and printer shall be inserted at the end of each number or volume, and where there are several editors, that of the chief editor. If the editor or chief editor is ill, a substitute should be provided, and his name published instead.

An infraction of this rule renders the editor, chief editor or substitute liable to a penalty of not less than one hundred *yen* and not more the five hundred *yen*, and the printer to a fine of one hundred *yen*.

VII. If anything contained in the number or volume infringes the prohibitions of Article XII. and the following Articles, or if an offence is committed against the law of slander, the editor will be considered the principal, and the writer an accessory, and if the proprietor or director is cognizant of it, he will be considered as if he were the responsible editor.



VIII. With the exception of the ordinary paragraphs of news, the writers of articles in newspapers or magazines (in which contributors are included) must sign their names in every case where the discussion turns upon foreign or domestic politics, finance, the feelings of the nation, the aspect of the times, learning or religion, or matters affecting the rights of officials and people.

The writer who signs a feigned name renders himself liable to imprisonment for thirty days and to a fine of ten *yen*. If he signs another man's name he renders himself liable to imprisonment for seventy days and to a fine of twenty *yen*.

Either or both of the above-named punishments may be inflicted. The same rule holds for the punishments mentioned below.

IX. When articles are translated from foreign newspapers or magazines, the translator, except in the case of ordinary paragraphs of news, must sign his name to them, and if such articles infringe the prohibitions of Article XII. and the following Articles, or if they offend against the law of slander, the responsibility of the translator is the same as that of the writer in Article VII., who is considered an accessory.

X. If the editor only is sentenced to imprisonment for an offence, the proprietor or director may appoint an acting-editor or a new editor and continue the publication, unless it has been at the same time suspended. If the publication is continued without an editor having been appointed, it will be suspended.

XI. If in any newspaper or magazine, any public office, company or private individual is mentioned by name, the newspaper or magazine must publish in their next issue after receiving it, any explanation or correction which such public office, company or person may furnish to them. An infraction of this rule renders the editor liable to a penalty of not less than ten *yen* and not exceeding one hundred *yen*.

XII. Any person who in a newspaper or magazine incites to the commission of any crime will be considered equally guilty with the person who has been caused to commit it, and if his

inciting has not resulted in any offence being committed the penalty is imprisonment for not less than five days and not more than three years, and a fine of not less than ten *yen* and not exceeding five hundred *yen*.

Anyone who incites to riot a number of evil-disposed persons or who stirs them up to a violent attack upon the authorities will be considered equally guilty with the ring-leader. If his persuasions do not result in causing a crime to be committed he will be punished as above.

XIII. Anyone advocating a revolution against the government or the subversion of the state, or who attempts to stir up rebellion is liable to imprisonment for not less than one year and not more than three, and in the case of crime committed (owing to such instigation), to the same punishment as the principal offender.

XIV. Anyone who reviles existing laws, or confuses the sense of duty of the people to observe them, or who by perverted reasoning attempts to justify offences plainly contrary to the criminal law, will be punished with imprisonment for not less than one month, and not more than one year, and with a fine of not less than five *yen*, and not exceeding one hundred *yen*.

XV. It is not allowed to publish the preliminary proceedings in Criminal Courts before sentence has been publicly delivered, nor the deliberations of the judicial officers respecting the trial. Any breach of this rule is punished with imprisonment for not less than one month and not exceeding one year, and a fine of not less than one hundred *yen*, and not exceeding five hundred *yen*.

XVI. Memorials and petitions may not be published without the sanction of the *In*, *Shō*, *Shi* or *Chō*.<sup>1</sup> Any breach of this rule renders the offender liable to the same penalties as in the preceding Article.

#### ADDITIONAL REGULATIONS.

Any person who has already received authorisation to

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1. These are names of various kinds of offices in the central and local government, e.g. Genro-in, Naïmushō, Kaitakushō, Keishichō.

publish a newspaper or magazine before this law was notified need not send in a fresh application, but he should report to the Home Department, through his fu or ken, within ten days counting from the day following his receipt of this notification, the five items specified in Article II. If after ten days have elapsed, this report has not been sent in, the fu or ken will suspend the publication. Fresh application must follow the rule laid down in Article I.

When there have hitherto been several editors but no chief editor, a chief editor or provisional chief editor must be appointed within two days, counting from the day following the receipt of this notification.

If after two days, the newspaper or magazine continues to be published without the name of any chief editor, the fu or ken will suspend the publication. Fresh application should follow the course described above.

*J.W.M.*, 1875, July 3, pp. 572-73.

## 8. NEWSPAPER REGULATIONS.

(Imp. Ord. No. 75, Dec. 28, 1887.)

I. Any person desiring to publish a newspaper shall, two weeks previous to the first issue thereof, send in a notice to that effect to the Department of State for Home Affairs through the local government authorities (in Tōkyō, through the Metropolitan Police authorities) in whose jurisdiction the said newspaper is to be published.

II. In the said notice of intention to publish a newspaper the following particulars shall be mentioned:—

1. The name of the newspaper.
2. The nature of the subjects to be treated.
3. The periods of publication.
4. The place wherein published and the place wherein printed.
5. The names and ages of the publisher, editor, and printer.



When there are two or more editors the name of that editor shall be given who has the principal charge of the editorship. It is, however, permitted that the editing of a paper shall be divided into several sections, and that a responsible editor be placed over each one thereof.

III. When, after the foregoing notice has been given, any change is to be made in the name of the newspaper, in the nature of the topics to be treated, or of the publisher, a notice shall be sent in two weeks beforehand in accordance with the provisions of Article I.

Whenever any change has been made in the period or place of publication of any newspaper, in the place where it is printed, in its editor, or its printer, a notice to that effect shall be sent within one week, in accordance with the provisions mentioned in Article I.

IV. When the publisher of a newspaper has died or has become legally disqualified, a new publisher shall be installed and a notice thereof shall be given within one week, in accordance with the provisions of Article I. In the meanwhile the paper shall be published under the name of the "provisional publisher."

V. When there has been no issue of a newspaper after a lapse of fifty days from the day on which the notice of its intended publication has been sent in, or from the day on which its publication has been stopped, the said notice of publication shall become void.

VI. Only a Japanese male subject above twenty-five full years of age can become the publisher, editor, or printer of a newspaper.

No one who has been deprived of his public rights can become the publisher, editor, or printer of a newspaper, nor can any one do so whose public rights have been suspended, as long as they remain so suspended.

VII. Neither the editor nor the printer of a newspaper is allowed to act at one and the same time in both capacities.

VIII. Every publisher of a newspaper shall simultaneously with the giving of notice of intended publication of a newspaper, deposit with the local government authorities (in Tōkyō, with the Metropolitan Police Office), one or other of the following sums of money as security :—

1. In Tōkyō, one thousand *yen*.
2. In Kyōto, Ōsaka, Yokohama, Hyōgo, Kobe, Nagasaki, seven hundred *yen*.
3. In all other localities, three hundred *yen*.

One-half only of the above specified respective amounts shall be required of newspapers published three or fewer times per month.

The security required may be furnished in the form of public loan bonds at the current market rate, or in the form of deposit notes issued by the national banks.

Such papers as contain only matters relating to science, art, statistics, government notifications, or to reports of market-prices, shall not fall within the scope of the present Article.

IX. The security shall be returned when the publication of the newspaper has been discontinued or prohibited.

X. When the notice mentioned in Articles I., III., and IV. has not been sent in, or when a newspaper for which security is required, has been published without the deposit thereof, the Chief of the Metropolitan Police Office or the Governor of the locality, shall stop the publication of such newspaper, until the proper notice has been given, or the security has been deposited.

XI. A newspaper shall contain in every issue the names of the publisher, editor, and printer, as well as of the place of publication.

Anyone appending his signature to a newspaper or to any statement therein contained, otherwise than the publisher or printer of the newspaper, shall be held equally responsible with the editor thereof.

XII. On the issue of every number of a newspaper, two copies thereof shall be at once sent to the Department of State

for Home Affairs, and one copy each to the local government authorities (in Tokyō to the Metropolitan Police Office) and to the Public Prosecutor's Office in the Court of First Instance of the locality of publication.

XIII. Whenever a misstatement has been made in a newspaper, and the party affected thereby, or any party concerned in the matter, demands its correction, or sends for publication a communication containing correction or protest, the correction shall be made or the communication of correction or protest shall be published in full in the second or third issue after the receipt of such protest or communication. In case the number of words in the communication should exceed twice the number thereof in the original statement, the newspaper may make for the number of words in excess, a charge at the rate established for ordinary advertisements.

The correction or protest shall be published in the same type as was the original statement, and at the head of the same division of the newspaper.

When either the language or spirit of the said communication of correction or protest is in conflict with the law, or when the person demanding the publication of the said communication does not give his name and address, such communication need not be published.

XIV. Whenever, with respect to items taken from the *Official Gazette* or any other newspaper, a correction has been made or a communication of correction or protest has been published in the *Official Gazette*, or in some other newspaper, every newspaper shall make the correction according to the form prescribed in the foregoing Article, in its second or third issue after the receipt of the said newspaper, even if the party affected or any party concerned in the matter has not demanded it. The charge of advertisement cannot be demanded therefor.

XV. Whenever a newspaper has had a judgement pronounced against it on account of some matter published in one



or other of its issues, it shall publish the sentence of the Court in full in its next issue.

XVI. No matters concerning the preliminary investigation of crimes or delicts shall be published before the public trial thereof has occurred.

No matters relating to law cases tried with closed doors shall be published.

XVII. No article perversely vindicating a criminal shall be published.

No writing the object of which is to defend or sympathise with a person or persons accused of a crime, or with an offender or offenders against criminal laws, shall be published.

XVIII. No official document which has not been made public, no memorial, representation, or petition shall be published, either in full or in an abridged form, without permission of the competent government office.

No deliberation in a government office, and no deliberation in a public assembly conducted with closed doors in compliance with the law, shall be published either in full or abridged form.

XIX. When the Minister of State for Home Affairs recognises that a newspaper is prejudicial to public peace and order, or is detrimental to morals, he may either suspend or prohibit the publication of the said newspaper.

XX. When the publication of a newspaper has been either prohibited or suspended, the Minister of State for Home Affairs may prohibit the sale or distribution of the said newspaper; he may also seize it.

XXI. When a newspaper published in a foreign country is deemed to be prejudicial to public peace and order or detrimental to morals, the Minister of State for Home Affairs may prohibit the sale or distribution of the said newspaper within the territories of this empire; he may also seize it.

XXII. The Minister of State for War or the Minister of State for the Navy may issue a special order prohibiting the

publication of matters relating to the movements of troops or war vessels or to military or naval secrets.

XXIII. When a public prosecution has been instituted against a newspaper for a statement made therein, the public prosecutor may temporarily seize the said newspaper.

The Judge may, according to the nature of the offence, confiscate the seized copies of the newspaper in question.

XXIV. Whenever a suit has been instituted against a newspaper for a statement made therein, and the plaintiff has proved that the avowed editor of the said newspaper has not in fact the principal charge of the editorial departments, but that there is besides him a chief editor, the Judge shall hold both the avowed editor and the real editor equally responsible for the statement.

XXV. Whenever a suit for libel has been brought against a newspaper for a statement made therein, and the Court recognises that the statement has been made with no malicious intention to injure the person concerned, but for the sake of public interest, the Court may permit the defendant to prove the fact, except when the statement relates to personal matters. When the proof has been established, the newspaper shall be cleared of the charge of libel. The same shall also apply when a newspaper has been sued for damages.

XXVI. When a newspaper does not pay the full amount of the expenses or the fine to which it has been condemned, or does not pay the damages pronounced against it, within a week after the conclusion of the case, the security it has deposited shall be utilised for the purpose; and when the security is insufficient, the deficiency shall be exacted according to the provisions mentioned in the Criminal Code for the collection of the expenses of justice and of civil amends.

In case the security has been utilised for the expenses of the trial, for the damages or for the fine imposed, the publisher shall make up the deficiency within a week from the receipt of the notice to that effect from the local government authorities (from the Metropolitan Police Office, in Tōkyō). Should there

be any failure to pay the full amount due, the chief of the Metropolitan Police Office or the Governor of the locality shall stop the publication of the newspaper in question until the said full amount shall have been paid.

XXVII. When the notice mentioned in Articles I., III., and IV. has not been sent in, or the provisions of Articles VI., VII., and XI. (first clause), and XII. have been violated, or when a newspaper for which security is required, has been published without the deposit of the security, the publisher shall be liable to a fine of not less than five *yen* and not more than one hundred *yen*. Any one convicted of the offence of the assumption of a false signature or title shall be liable to the same punishment as the publisher.

When truth is withheld in sending in the notices required in Articles I., III., and IV., the publisher shall be liable to minor imprisonment of not less than one month and not more than six months, or to a fine of not less than five *yen* and not more than one hundred *yen*.

When a newspaper belonging to the category mentioned in the last clause of Article VIII., publishes matters that ought properly to be contained in a newspaper for which security is required, the editor shall be liable to the same punishment as is set forth in the preceding clause.

XXVIII. In the case of the violation Articles XIII., XIV., and XV. the editor shall be liable to a fine of not less than five *yen* and not more than one hundred *yen*.

XXIX. In case of violation of Articles XVI., XVII., and XVIII. the editor shall be liable to minor imprisonment of not less than one month and not more than six months, or to a fine of not less than twenty *yen* and not more than two hundred *yen*.

XXX. Any person who sells or distributes a newspaper in violation of Article XXI. shall be liable to the same punishment as is set forth in the preceding Article.

XXXI. In case of the violation of Article XXII., the pub-



lisher and editor shall be liable to minor imprisonment for not less than one month or not more than two years, or to a fine of not less than twenty *yen* and not more than three hundred *yen*.

XXXII. When in a newspaper an article has been published the object of which is to undermine the existing system of government or to disturb the constitutional laws of the empire, the publisher, editor, and printer shall be liable to minor imprisonment of not less than two months and not more than two years, with a fine of not less than fifty *yen* and not more than three hundred *yen*.

In case of the violation of this Article the apparatus used for the purpose shall be confiscated.

XXXIII. When a newspaper of obscene character has been published, the publisher and editor thereof shall be liable to minor imprisonment of not less than one month and not more than six months, or to a fine not less than twenty *yen* and not more than two hundred *yen*.

XXXIV. In the case mentioned in Article XIII., the offence connected with personalities shall be brought to a settlement by the institution of a suit by the injured person.

XXXV. The provisions mentioned in the Criminal Code for the mitigation of penalties on account of voluntary confession, for the aggravation of penalties on account of repetition of the offence, and for the concurrence of several infractions committed by the same person, shall not be applied in cases of the violation of any of the provisions of the present Regulations.

XXXVI. The term of prescription for the institution of public prosecution in connection with the present regulations shall be six months.

XXXVII. The present regulations shall apply also to such magazines as do not come within the scope of the Publication Regulations.

## 9. PUBLICATION REGULATIONS.

(Imperial Ordinance No. 76, Dec. 28, 1887.)

I. By the term "publication" shall be understood the printing, by means of machinery, by the use of chemicals, or by any other process, and the sale or distribution, of literary works or pictures or drawings of whatsoever kind. The term "author" shall mean any person who has written or compiled a literary work or who has delineated anything by drawings or paintings. The term "publisher" shall apply to those engaged in the distribution or sale of literary works or of pictures or drawings of whatsoever kind. By the term "printer" shall be implied any person engaged in the practice of printing.

II. The present regulations shall apply to the publication of every kind of literary work and of pictures and drawings, with the exception of newspapers and magazines issued at fixed intervals. Such magazines, however, as are devoted to science and arts, may be brought within the scope of the present Regulations with the permission of the Minister of State for Home Affairs.

III. When a literary work or a picture or a drawing is issued, a notice of the same shall be sent to the Department of State for Home Affairs, together with three copies of the literary work, or picture or drawing, ten days previous to the day of publication thereof, leaving out of the calculation the number of days required for transmission.

IV. When a literary work or a picture or a drawing is issued by a government office, the said government office shall, previous to the publication of the same, send three copies thereof to the Department of State for Home Affairs.

V. The notice of publication shall be sent in with the seals of the author or his heir, and that of the publisher. But in the case of a publication not intended for sale, the notice may be sent in with the seal of the author only.

When the author or his heir cannot be ascertained, notice

thereof shall be sent in by the publisher, with a statement of the attendant circumstances.

When the literary work or a picture or drawing is issued under the authorship of a school, a company, an association or of any other like body, the notice of publication shall be sent in with the joint signatures and seals of the publisher and the person representing the school, company, or other like body.

VI. Only those who are engaged in the sale of literary works, pictures, or drawings shall be allowed to become publishers. But an author or his heir may at one and the same time become a publisher.

VII. When any person prints a literary work or a drawing or picture, he shall put thereon the date of printing together with his name and address, irrespective of whether the literary work or picture or drawing is intended for publication or not; and when it is intended for publication the name and address of the publisher shall also be appended.

VIII. As to the rules of a company, the rules of a boarding-school, hand-bills, programs of performances, and note paper of all kinds for which there are common forms, or the various kinds of certificates, the provisions of Articles III. and IV. need not be followed.

IX. In case of literary works and of pictures and drawings which are issued in a series of succeeding numbers, the process mentioned in Article III. shall be gone through for each and every issue of the same. In the case of magazines, however, the said process shall be omitted with the permission of the Minister of State for Home Affairs.

X. No notice of the publication of a second edition of a literary work or of a picture or drawing, for which notice of publication has already been once given, is required. When, however, the original is remodelled, enlarged or reduced in scale, or when notes, an appendix, pictures, etc., are to be added to it, the provisions of Article III. shall be observed.

XI. When the reports of speeches or lectures are collected



and made into the form of a book, the deliverer of the speeches or lectures shall be looked upon as the author of the same. When, however, such reports have been published without the consent of the speaker or lecturer, the latter shall not be held responsible for authorship.

No reports of a lecture or speech not delivered in public, can be published unless the consent of the speaker or lecturer has been first obtained. Any person violating the provisions of this clause shall be held responsible for their act, according to the Copyright Regulations.

XII. When the writings of more than one person, or when the lectures or speeches of more than one orator have been compiled into one book, the compiler shall be looked upon as the author thereof.

The provisions mentioned in the latter portion of the first clause, and those mentioned in the second clause of the preceding Article shall also apply in the case of this Article.

XIII. In the case of translations the translator shall be looked upon as the author of the work. In the term "translation" shall be included the popularisation of Chinese writings.

XIV. In the case of a literary work or of a picture or drawing issued by a school, a company, an association, or any other like body, under its own authorship, the person in whose name the notice of publication has been sent in, shall be regarded as the author.

XV. No official document that has not been made public, no memorials, representations or petitions shall be published, either in full or in abridged form, without the permission of the competent government office.

No deliberation in a government office or in a public assembly conducted behind closed doors in agreement with the requirements of law shall be published either in full or in an abridged form.

XVI. When a literary work or a picture or a drawing, which is recognised to be prejudicial to public peace and order

or detrimental to morals, shall have been published, the Minister of State for Home Affairs may prohibit its sale or distribution, and may seize the plates and impressions thereof.

XVII. When a literary work or picture or drawing, printed in a foreign country, is deemed to be prejudicial to public peace and order, or detrimental to morals, the Minister of State for Home Affairs may prohibit the sale or distribution of the said work or picture or drawing, within the territory of this empire, and may seize the impressions thereof.

XVIII. The publishing of a literary work or picture or drawing, touching matters relating to military or naval secrets is prohibited.

XIX. No matter relating to the preliminary investigation of a crime or delict, shall be published before the public trial thereof.

XX. To publish discourses perversely vindictating a criminal is prohibited.

To publish writings the object of which is to sympathise with a person or persons accused of crimes, or with an offence or offenders against the Criminal Law is prohibited.

XXI. Any person who has published a literary work or a picture or a drawing without giving the notice mentioned in Article III. shall be punishable with a fine of not less than five *yen* and not more than one hundred *yen*.

XXII. When a publisher has published a literary work or a picture or a drawing, wherein neither his own name and address, nor those of the printer, nor the date of publication has been mentioned, the publisher shall be liable to a fine of not less than two and not more than fifty *yen*. When these particulars are not given truthfully, the publisher shall be liable to minor imprisonment of not less than one month and not more than six months, or to a fine of not less than five and not more than fifty *yen*.

Any infraction of Article VI. shall be punishable with the same penalty as is imposed in the preceding clause.

XXIII. The printer who has not inserted his name and address in a literary work, nor upon a picture or drawing printed by him, or who has not done so truthfully, shall be liable to the same penalty as in the case of the preceding Article.

XXIV. When a literary work, the tendency of which is to undermine the existing government or to disturb the constitutional laws of the empire, has been published, the author, publisher, and printer thereof shall be regarded as co-offenders, and shall be punished with minor imprisonment of not less than two months and not more than two years, together with a fine of not less than fifty *yen* and not more than three hundred *yen*.

In the case of a picture or drawing the intent of which is the same as is mentioned in the preceding clause, the penalty shall be the same as in the preceding clause.

XXV. When a literary work or a picture or a drawing of an obscene character has been published, the author and the publisher thereof shall be regarded as co-offenders, and shall be punished with minor imprisonment of not less than one month and not more than six months, or to a fine of not less than twenty and not more than two hundred *yen*.

XXVI. When the photograph of a literary work or of a picture or drawing has been taken, and Articles XVIII., XXIV., and XXV. have been violated, the punishment shall be meted out according to the respective Articles violated.

XXVII. When a literary work or a picture or drawing, the publication of which is prohibited by the present regulations, has been published, the author and the publisher shall be regarded as co-offenders, and shall be liable to minor imprisonment of not less than one month and not more than two years, or to a fine of not less than twenty and not more than three hundred *yen*.

When a literary work or a picture or drawing, the sale or distribution of which has been prohibited, has been published, the publisher and the agent concerned in the sale and distribution thereof shall be dealt with as in the case mentioned in the



previous clause. Works or pictures or drawings not yet sold shall be confiscated.

XXVIII. In the case of Articles XXIV., XXV., and XXVII., the public prosecutor may provisionally seize the plates and impressions in question. The plates and impressions that have been seized shall be returned on the conclusion of the trial, if the accused is pronounced not guilty; but if he is pronounced guilty they shall be confiscated.

XXIX. In carrying out the seizure mentioned in the previous Article, if the articles to be seized are bound, and if the style of binding is such that the portion to be seized can be separated from the rest it shall be so separated.

XXX. When Articles XXIV. or XXV. have been violated by the publication of reports or the compilation of speeches and lectures or by that of literary works or pictures or drawings compiled from the writings or drawings of one or various authors, the lecturer, speaker, author or authors in question, shall if he or they have consented to the said publication, be liable to the same punishment as the reporter or compiler of the same.

XXXI. When, in case a suit for libel has been brought against a publisher for the publication of a work or picture or drawing, the Court recognises that the publication in question has been made with no malicious intention to injure the person concerned, but for the sake of public interest, the Court may permit the defendant to prove the facts, except when the statement relates to personal matters. When the proof is established the publisher shall be cleared of the charge of libel. The same shall apply when the publisher shall have been sued for damages.

XXXII. The provisions mentioned in the Criminal Code for the mitigation of penalties on account of voluntary confession, for the aggravation of penalties on account of repetition of the offence, and for the concurrence of several infractions committed by the same person, shall not be applied in the case of the violation of any of the provisions of these regulations.

XXXIII. The period of prescription for the prosecution of offences against the present regulations shall be two years, and shall be computed from the last time that the literary work or the picture or drawing was sold or distributed. When no copies of the work or drawing or picture have been sold or distributed, the computation shall be made from the time of the printing thereof.

XXXIV. Those literary works and pictures and drawings which, though already printed, have not been sold or distributed, shall also come within the scope of the present regulations, if they are intended for sale or distribution.

*J.M.W.*, 1888, Jan. 21, pp. 57-58.

## 5.—COMMUTATION OF PENSIONS OF NOBLES AND SAMURAI.

### 1. SAMURAI MAY ENTER THE OCCUPATIONS OF COMMON PEOPLE.

(Notif. No. 425, Dec. 27, 1873.)

A proclamation<sup>1</sup> was issued in the 12th month of the 4th year of Meiji, that nobles (*kwazoku*), gentlemen (*samurai*) and foot-soldiers (*sotsu*), those in official employment excepted, were henceforth permitted to carry on the callings of husbandmen, artisans and merchants, but as it has come to our ears that persons with small incomes are unable to accomplish their wishes, owing probably to the want of the necessary capital, we have

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1. The last months of the year 1871 witnessed the promulgation of a number of notifications dealing with the privileges and duties of the feudal aristocracy. Among other things permission was given to leave off wearing two swords, and to enter into gainful occupations as farmers, artisans or traders. These privileges were availed of in some localities but not in others, and as there was no compulsion to make any changes the more conservative minded of the aristocracy retained their old ways.

framed the annexed scheme<sup>1</sup> for their special benefit, by which the surrender to the government of their family incomes and good service pensions, less than 100 koku in annual amount, is allowed. Those, therefore, who wish to surrender them must make a petition to that effect to their local governments. You<sup>2</sup> will make this proclamation known to the samurai and former sotsu.

**NOTE** :—Those who make a petition according to the text need not pay any tax<sup>3</sup> on their incomes.

*I.W.M.*, 1874, p. 24.

## 2. REGULATIONS FOR THE COMMUTATION OF INCOMES, ETC.

(Notif. No. 426, Dec. 27, 1873.)

Whereas it has been proclaimed that the petitions of persons of the rank of gentlemen and sotsu, whose family incomes are less than 100 koku of annual value, to give up their incomes to the government, shall be granted, they must comply with the annexed regulations and each case shall be dealt with accordingly. This information is communicated.

### REGULATIONS FOR GIVING CAPITAL TO PERSONS WHO GIVE UP THEIR INCOMES TO THE GOVERNMENT.

I. To persons whose family incomes and good service pensions do not amount to 100 koku, who henceforth petition to

1. The present notification offered an inducement to the samurai to merge themselves in the ranks of the common people, by furnishing them with cash to be used as capital with which to enter business or buy land. The purpose of the government in making this offer was in part to relieve itself of the burden of the pension list and in part to abolish the samurai caste.

2. The Governors of the fu and ken to whom the present notification was addressed.

3. As a further inducement to the success of the scheme it was proposed by the government to levy taxes on all ordinary pensions, and exempt from such taxes the incomes of those samurai who surrendered their pensions to the government, and received in lieu thereof interest-bearing government bonds. The Regulations for the taxation of ordinary pensions were promulgated by Notification No. 424, on the same day as the present notification.



surrender them, the sum of six years' income is given to those who hold hereditary incomes, and the sum of four years' income is given to those who hold incomes during life, to serve as capital for trade.

II. The whole amount mentioned in the preceding Article shall be turned into money according to the market price of rice when the taxes are paid this year in each fu and ken. Half shall be paid in cash, and half in government bonds. Eight per cent shall be paid on these government bonds in the 11th month of each year by the local authorities.

NOTE:—As five classes of government bonds have been made, viz., 500, 300, 100, 50 and 25 *yen*, according to the sum, the difference between it and any of those classes must be added to or subtracted from it.

III. Persons can if they wish sell or mortgage these bonds to anyone but foreigners. The mode of transaction is the same as if they had been newly issued by the government. The details of this will form another proclamation.

IV. After the third year of issue these bonds shall be exchanged into ready money at the convenience of the government during the space of seven years.

V. When "one-life" *sotsu*, whose names have been already entered on the register of husbandmen, and who are entitled to incomes for their life-time, request to give them up, permission shall be given in accordance with the previous Article.

VI. If persons whose incomes are limited to a certain number of years petition to give them up, the periods for which they have already been paid and have still to be paid shall be ascertained and specially referred by the local government to the *Ōkurashō*.

VII. Persons who have changed their domiciles shall apply to their original local government from which they have up to this time received their incomes.

VIII. The cases of those who wish to pursue the calling of husbandmen or graziers shall be dealt with according to the

Regulations for selling those portions of government forests, paddy, arable land, waste-land, etc., which are not wanted for government purposes.

RULES FOR SELLING WASTE LAND AND GOVERNMENT FORESTS  
TO PROVIDE CAPITALS FOR (THOSE WISHING TO  
PURSUE) ANY CALLING.

I. Paddy-land, arable land, castle-grounds, the sites of old yashiki, waste-lands, hills, forests, etc., belonging to the Crown, the sale of which does not inconvenience the original villages, or associated villages or the government, shall be made over to such persons as after surrendering their family incomes and receiving capital, shall petition for the sale of the same with the object of undertaking farming or grazing, at half the fair price; and they must send in to their local government up to the thirtieth day of the following sixth month sealed applications according to the form in the appendix.

Persons desirous of obtaining land under a local government other than their own, must apply through their original local government to the government of the district in which they desire to buy land, within the above named fixed period. Persons who apply after the expiration of that period shall purchase land by sending in tenders.

NOTE.—Lands which are for sale shall be sold at half the real price; houses and trees on them shall be sold at their market value.

II. A day being fixed for opening the tenders for land which persons petition the government to sell, the petitioners assemble and after the tenders have been opened the first, second and third degrees of tenders shall be forwarded to the Ōkura-shō. When two or more persons tender the same price they shall have their tenders accepted according to the date on which they sent them in.

III. Upon permission being given to sell land the local government shall give orders for payment to be made and shall give a title-deed for the land—on the face of the deed

the market value is written. After the time fixed for bringing the ground under cultivation has passed and a tax is levied the deed shall be revised.

IV. With respect to the limit to the number of tsubo sold to each person, since that depends on whether the number of petitioners be great or small, and whether the land to be sold is extensive or not, the local authorities shall exercise their judgment and report to the Ōkurashō.

NOTE.—(Allotments of ) paddy and arable land, also land formerly occupied by castles or yashiki, shall be restricted to three thousand tsubos and under; waste-land to nine thousand tsubos and under; mountain forest land to fifteen thousand and under; fifteen hundred tsubos of paddy and arable land and seven thousand five hundred of mountain forest land may be sold together. Moreover there is no restriction made in the case of extensive districts in Mutsu and Dewa, and in distant parts of all the provinces, but the extent shall be ascertained and reported according to the above regulation.

V. When the government considers that the price offered for the land is not the market price of it, the sale shall be prohibited.

VI. The price of land, houses, and trees shall be paid in one sum.

VII. Cultivated portions of paddy and arable land shall pay taxes as heretofore. The amount of the taxes to be paid on the land on which taxes have not been previously fixed shall be settled by comparison with that paid on neighboring land. Land with title-deeds shall pay 3% land-tax. Land subject to the old regulations shall pay the old tax of rice and money.

VIII. Land occupied formerly by castles and yashiki shall be free of taxes for ten years in order to have it worked; waste-land for fifteen; portions of mountain forest land for twenty years.

The amount of the tax to be paid on land where forests



and trees are left in their original state shall be ascertained by comparison with the neighboring land.

IX. Land which is sold by the government is not transferrable during the years it is under cultivation, and mortgaging it shall be strictly forbidden.

NOTE.—If the proprietor during a long illness cannot get any of his relations to help him, or if persons have unavoidable reasons (for not cultivating the ground) they may inform the local government of all the particulars and obey any orders.

X. Persons who petition the Government to sell land and lend their names to others, or those who make false statements as to the number of trees and do other wrong acts, if these things come to light after the sale, even though they are cultivating the ground and even have completed the cultivation of it, shall have the said land taken from them and the owner and his associates shall receive condign punishment. If the said land has been sold the same punishment shall be decreed.

*W.M.*, 1874, pp.24-25.

### 3. CAPITALISATION OF INCOMES.

(Imp. Notif. No. 108, Aug. 5, 1876.)

Incomes, and augmentations of income (by way of reward) have hitherto been granted either in perpetuity, or for one generation, or for a certain term of years. These rules are now altered,<sup>1</sup> and such incomes will, from next year, be commuted

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1. The alterations consisted not only in changes in the details of the regulations, but what was far more important, in the transformation of the previous permissive rules into compulsory regulations. Whereas the former law offered a privilege, this imposed upon the samurai and nobility the necessity of commutating their pensions for bonds at certain rates specifically indicated. The effect of this law was instantaneous and manifested itself in an epidemic of samurai riots and lawless demonstrations against the government. What effect it had in bringing to a head the rebellion in Satsuma is uncertain, but the safe presumpt-

and paid in government bonds according to the annexed regulations.<sup>1</sup>

### REGULATIONS FOR THE ISSUE OF GOVERNMENT BONDS FOR INCOMES.

I. The rules relating to the payment of the incomes, or augmentations of income, of *kwazoku*, *shizoku*, and *heimin* are now altered, and such incomes will be commuted and paid in government bonds in the following manner.

#### INCOMES IN PERPETUITY.

Incomes in perpetuity will be commuted according to the following scale :—

Original assessment of income, including augmentation also, if such exist.		Number of years allowed.	
70,000 <i>yen</i> and upwards.		5 years income.	
Above 60,000 <i>yen</i> but below 70,000		5½	“ “
“ 50,000 “ “ 60,000		5½	“ “
“ 40,000 “ “ 50,000		5½	“ “
“ 30,000 “ “ 40,000		6	“ “
“ 20,000 “ “ 30,000		6½	“ “
“ 10,000 “ “ 20,000		6½	“ “
“ 7,000 “ “ 10,000		6¾	“ “
“ 5,000 “ “ 7,000		7	“ “
“ 2,000 “ “ 5,000		7½	“ “
“ 1,000 “ “ 2,000		7½	“ “

ion is that its influence on that event was not slight. On the other hand there is no doubt but that this measure was popular with the great mass of the people, and that it was justified in view of the financial condition of the country, for the payment of the pensions constituted the largest item in the expenditures of the government, and was a serious drain upon the national treasury.

1. On the 11th December, 1876 further changes were made in the regulations by the following notification:—Hereditary incomes or service pensions which, since the time of the constitution of the *han* have been permitted to be sold and purchased, shall, irrespective of their amount, be exchanged by the government for bonds for ten years' purchase of the amount of such income or pensions.—*J.W.M.*, 1876, Dec. 23, 1160.

Interest will be paid on the above (commutation) at the rate of 5% per annum.

Above	900 <i>yen</i> but below	1,000	7 $\frac{1}{4}$ years income.
"	800 " "	900	8 " "
"	700 " "	800	8 $\frac{1}{4}$ " "
"	600 " "	700	8 $\frac{1}{2}$ " "
"	500 " "	600	8 $\frac{3}{4}$ " "
"	450 " "	500	9 " "
"	400 " "	450	9 $\frac{1}{4}$ " "
"	350 " "	400	9 $\frac{1}{2}$ " "
"	300 " "	350	9 $\frac{3}{4}$ " "
"	250 " "	300	10 " "
"	200 " "	250	10 $\frac{1}{4}$ " "
"	150 " "	200	10 $\frac{1}{2}$ " "
"	100 " "	150	11 " "

Interest will be paid on the above at the rate of 6% per annum.

Above	75 <i>yen</i> but below	100	11 $\frac{1}{2}$ years income.
"	50 " "	75	12 " "
"	40 " "	50	12 $\frac{1}{2}$ " "
"	30 " "	40	13 " "
"	25 " "	30	13 $\frac{1}{2}$ " "
Below	25 <i>yen</i>		14 " "

Interest will be paid on the above at the rate of 7% per annum.

#### LIFE INCOMES.

Persons holding life incomes will receive allowances calculated at the rate of one-half of the number of years allowed for incomes in perpetuity.

NOTE—Interest on these will be the same as in the case of the incomes in perpetuity.

#### INCOMES FOR LIMITED TERMS.

Persons holding incomes for a certain term of years will receive as follows :—



	Proportion of term allowed for incomes in perpetuity.
For 10 years and upwards .....	$\frac{3}{8}$
For from 8 to 10 years .....	$\frac{7}{20}$
"    "    6    "    8    "    .....	$\frac{3}{10}$
"    "    4    "    6    "    .....	$\frac{1}{4}$
"    "    3    "    4    "    .....	$\frac{1}{5}$
For 2 years only.....	$\frac{3}{20}$

NOTE—Interest on these will be the same as in the case of the incomes in perpetuity.

II. The interest due upon these government bonds will be paid, for the year 1877, in November of that year and May of the following year. The same rule will be followed in all subsequent years.

III. Should any difference be caused in the amount of the interest, owing to the term of years for which the original assessment of the income and augmentation of income is paid, the following rules shall be observed for issuing the government bonds, in view of such original assessment:—

Take for instance:—

A.—Total amount of income and augmentation ...	10,000 <i>yen</i>
Then, $6\frac{1}{2}$ years allowance of this .....	65,000 "
Interest on government bonds for same, at the rate of 5 per cent. per annum .....	= 3,250 "
B.—Total amount of income and augmentation ...	9,900 "
Then, $6\frac{3}{4}$ years allowance of this .....	66,825 "
Interest on government bonds for same, at the rate of 5 per cent. per annum .....	= 3,341 <i>yen</i> 25 <i>sen</i>

It will be seen, on comparison of the above, that the interest due on the sum of 9,900 *yen* would be 91 *yen* 25 *sen* in excess of the other. In such case, the rule observed shall be that the amount of interest shall not exceed the amount of that due upon the 10,000 *yen*. All other similar cases to be decided in the same manner.

IV. Although there may, on account of the rates of interest, be some difference between the government bonds, the several issues of those bonds shall always be for the following amounts; viz.—for 5, 10, 25, 50, 100, 300, 500, 1,000, or 5,000 *yen* each.

V. At the time of the issue of the foregoing government bonds any petty sums over and above the amount of the bonds shall be paid in currency.

VI. The original sums for which these government bonds are issued shall be allowed to stand over for a period of 5 years. Commencing from the 6th year, however, they shall, according to the convenience of the Finance Department, be redeemed every year by lot. Within the space of 30 years, the whole of them will have been redeemed.

VII. In all matters relating to the procedure, etc., to be followed in respect to the issue of these government bonds, such not being mentioned in these regulations, care must be taken to act in accordance with the regulations for the Issue of Old and New Government Bonds.

*J.W.M.*, 1876, p. 735-36.

## APPENDIX.

### I. DISCOURSE OF KIDO TAKAYOSHI<sup>1</sup> UPON HIS RETURN TO JAPAN, 1873.

I, Takayoshi, have always been filled with fear at the thought that I, an unlearned man and of inferior capacity, have presumed to take a share in the conduct of affairs, and I am sensible that I have in many ways failed to discharge aright the diplomatic duties imposed upon me by my late appointment as Envoy to the states of Europe and America. I have not succeeded in fulfilling the charge contained in the full powers given me by my government, nor, on the other hand, have I been able to satisfy the expectations of the people. For this I deserve no small blame.

In the course of my travels, however, while observing the forms of government and the civilisations of the various countries, I have noted the causes of the modifications which they have undergone, and taking into account the points of resena-

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1. Although Kido died in 1877, it is even now impossible to write a complete record of his services to the country during and after the Restoration. He never held as conspicuous offices as some of the other members of the clan to which he belonged, and his term of service as a member of the Government was short; for these and other reasons he is not as well known to the world as many of his associates. As Saigo was the arm and sword of the Restoration, Kido was its brain and pen. He knew well that every national movement must arise out of the ideas and principles of the time, and it fell to him to formulate the philosophy of the Restoration, as it did to Saigo to lead its armed forces. Each man was preëminent in his sphere. However, Kido was not as available politically as Ito, Inouye, or Yamagata, his fellow clansmen, or Okubo or Okuma, of Satsuma and Hizen, hence, when differences of principle arose in the little group of leaders, he withdrew, in 1874, from active participation in the administration. Although he continued to serve in the capacity of Court Councillor till his death, and though opposed to the precipitate measures which gradually con-



blance and difference which are owing to likeness or unlikeness of national customs and character, I went on to mark the analogies with the condition of our country before and after the revolution and maturely to weigh the advantages and disadvantages of the measures by which these modifications have been brought about. This inquiry has convinced me that the history of all countries, great or small, enlightened or unenlightened, proves that the inquiry into the causes of their conservation or downfall resolves itself into the question of the state of vigour or decay, and the merits or faults, of their laws and constitutions. No matter how extensive their territory may be or how numerous their subjects, if a due control is not exercised over them by means of the laws and constitution, one man will basely follow his own selfish ends, while another will presumptuously turn right to wrong and so the government will swarm with parasites and place-hunters. In such a case although an outward semblance of prosperity, power, and enlightenment may be maintained, the foundations of the country have been impaired and the evil will finally become past remedy.

The Chinese saying, "We have before us the example of the Shio dynasty," may be applied to the downfall of the country of Poland, in Europe. When it was free and independent,

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verted a popular into an odious administration, he was unable to stem the tide of change which followed so swiftly after 1873. He resisted with all his might not only the project of invading Korea, but also the despatch of that costly and indefensible raid, the expedition against Formosa. The spoliation of the samurai in 1876 by the enforced capitalisation of their pensions outraged his sense of justice, and it was commonly said that his indignation was deep and strong against the criminal blundering that forced on the struggle with the Saigo in 1877.

The document here printed is not only intrinsically valuable as an exposition of those liberal principles which were immediately taken up by Itagaki, Soyejima, and many others, and made the basis of an agitation which must be regarded as among the finest incidents of the period, but when compared with an earlier expression of his philosophy, contained in the address of the four Western Lords (see above pp. 29-32), a document which is commonly attributed to him, it displays the astonishing development of his views.

Poland had a wide territory and a large population. It was not that her kings were tyrants or her officials corrupt; the tendencies of the age brought on changes which rendered it impossible for the constitution of her government to maintain its integrity. One was thoroughly convinced of his own wisdom and styled himself a sage, another, relying on himself, assumed to be a clever man, and each refused to be guided by the other. The nobles and rich, some bent on selfish gain, others turning right into wrong, by their strife and jarring reduced the country to a state bordering on anarchy. The distress to which the people were brought was too painful to describe; what wonder that there was no one who did not look around him for some means of preventing himself from starving! The whole country, therefore, rose in tumult and wreaked its vengeance on the rich and noble, and the disorder spread as far as the neighbouring countries of Russia, Prussia, and Austria, so that at last there was hardly one of the people who remained peaceably pursuing his own occupation. The three countries could no longer stand by unconcerned. They assembled an army, and having chastised the remaining robbers, divided the country into three parts, each uniting one to its own territory. Whom can the people of the ruined country blame for this, or whom can they hate! The essence of independence their country never had, nor did they themselves ever enjoy any original rights as citizens. When I was travelling in a railway carriage from Prussia to Russia, one morning at dawn my dreams were suddenly broken by the melancholy notes of a flute. I got up and opened the window. I was in Poland, and the flute player was a poor native who was begging copper coins from the passengers. This incident carried my mind back to the days of Poland's greatness, and it was long before I was able to restrain my tears. Alas! what country can escape the same fate if it does not maintain its constitution and preserve the integrity of its laws. As the turning point between prosperity and decay, between safety and destruction, is so critical, I felt compelled to note down this ex-

ample so as to submit it for the opinion of my enlightened readers.

A single rod, even though a stout one, may be broken by a young child, but if ten rods, though weak ones, are made into a bundle, they cannot be broken by a full grown man. They will even maintain a weight of a thousand pounds without breaking.

In the same manner, if a country is divided among a multitude of petty rulers, each one having full authority in his own district, the lines of policy are multiplied, inasmuch as each prince will seek his own advantage and devise schemes for his own gain. Under such a system the national strength is dissipated, and although the fellow rulers may know each other's relative strength, how will they stand in comparison with foreign nations? How could they ever withstand a powerful enemy whose forces were harmoniously united? But if, on the contrary, one sovereign can exercise control over the numberless petty rulers if he maintains one national line of policy and balances the gains of one province with the losses of another,—if he thus exercises supreme control,—though his territory may not be large or his people numerous, they will be able to protect themselves against the insults of their neighbours. This is a principle founded in nature, and is nowadays a commonplace with the powerful nations of the five continents.

Not many years ago our own country passed through a revolution which was demanded by the altered tendencies of the age, and during it multitudes of the people were deprived of their occupations and fell into great distress. We have also had to lament the campaigns of Kyōto and the North, when Japan was forced, as it were, to sit in dust and ashes. I give as an example the misfortunes which befell one family. The father sacrificed his life for his country at the castle of Kyōto, while his son discharged the debt of gratitude he owed his lord by laying down his life on some battle-field in the North. Even yet, when I recall to mind those days, a cold sweat breaks out



over me. But the misfortunes of one family were mere private griefs: the crisis in the State was a public matter and demanded our most serious concern. It was no time for indulgence in private sorrow. The whole nation spared neither pains nor labour, and so it became at last possible to lay the first foundations of our constitution. It thereupon followed that in reforming the old system of rule there were none of those things which catch the eyes and ears of the people which were not changed from their ancient customary form. In some this engendered suspicion, other tried to stand aloof, and it almost seemed as if there was no one who knew whither the Imperial purpose really tended. But how could it be supposed that these measures of the Government proceeded from a mere idle pleasure in changing the old system of rule? The truth was there was no change made which had not become unavoidable, chiefly owing to the internal condition of the country, but also, though in a less degree, to our relations with foreign countries. The object of them was to promote the wealth and power of the nation, to spread enlightenment, and to secure to every one a peaceful life in his own sphere.

Hence it was thought advisable, so early as the spring of 1868 when the northern provinces were still unsubdued, to summon together at the castle of Kyōto all the officials and nobles of the Empire. The Emperor then prayed to the gods of Heaven and Earth and pronounced an Oath containing five clauses, which was thereupon published throughout the Empire, removing all doubts as to the objects the Emperor had in view, and guiding the ideas of the people in one fixed direction. The heading of this Oath contains the following expression:—"By this oath we set up as our aim the establishment of the national weal on a broad basis and the framing of a constitution and laws." This led at last to granting the petitions for leave to restore the fiefs to the Emperor, which occasioned the abolition of the daimyō and the concentration of the dissipated national strength. Is not all this consonant with that commonplace

argument of the powerful countries of the five great continents? And if this be so, then surely we must consider those five clauses as the foundation of our constitution. Now the constitution is a thing which sets on a firm basis the weal of the entire nation, which prevents officials from taking unauthorised steps merely on their own judgment, and which by placing under one control all the business of administration, renders it necessary that all measures be conformable to it. Is there at the present day any subject of the Empire who does not gratefully acknowledge its profound and farsighted policy and admire the soundness of the Emperor's views.

But in enlightened countries, though there may be a sovereign, still he does not hold sway in an arbitrary fashion. The people of the whole country give expression to their united and harmonious wishes, and the business of the State is arranged accordingly, a department (styled the government) being charged with the execution of their judgments, and officials appointed to transact business. For this reason all who hold office are faithful to the wishes of the whole nation and serve their country under a deep sense of responsibility, so that even in extraordinary crises, they take no arbitrary step which is unauthorised by the unanimous consent of the nation. The strictness of the constitution of these governments is such as I have just described, but as an additional check upon illegal acts, the people have officers for discussion (members of parliament) whose duty is to sift everything that is done and to check arbitrary proceedings on the part of officials. In this way a very admirable form of government is produced. But if the people are still insufficiently enlightened, it becomes necessary, at least for a time, that the Sovereign should by his superior discernment anticipate their unanimous wishes and act for them in arranging the affairs of State and in entrusting to officials the execution of their wishes. By this means he will gradually lead them forward in the path of enlightenment. Such a course is consonant with natural principles, and I am inclined to believe that upon this idea was

founded the thought of the Emperor when he inaugurated by an oath his energetic policy. My belief is that although Japan has not yet reached that stage where everything is submitted for the sanction of a parliament, in the weight which the Imperial command bears with it and the importance of the business transacted, our country differs not a whit from those countries of Europe and America whose government is carried on on the principle of executing the wishes of the people, and it is important that our officials should not be forgetful of their responsibility and should keep constantly before their eyes our five-clause Constitution.

The Constitution is the mind of the State ; the officials are the members.<sup>1</sup> If, when the mind issues its commands, the members act in a contrary direction, or without waiting for the mind's orders, the affairs of the whole country must fall into confusion and the whole nation feel ill at ease. The final results of such a state of things it would be hard to foresee. If such were to be the lot of our own country the vigorous policy inaugurated on a former day would stop short with the mere idle abolition of the former system of government, and the pains and labour of the people would have been spent to no purpose and vanish like foam on the surface of water. To talk of the affairs of the empire is easy ; to put one's ideas into practice is hard. Let us then, while it is still open to us to do so, keep strict watch over all our proceedings.

Whilst pondering on the Emperor's words on the occasion referred to, the following thoughts occurred to me. What reason could there be for making the entire empire the private possession of a single family ? The Emperor dwells in it, along with his people he defends it, and of all the parts of the administration there is not one which does not affect them. The sub-

1. *Note by the author.*—It is a common saying in Europe that "the Constitution is the the mind and the the officials the members." Another version is "the people are the mind and the officials the members." But as the Constitution proceeds from the unanimous wishes of the people, the principle of the two maxims is the same, although their language is different.



jects ought, on the other hand, each to have his full rights and bear his due share of the public burdens. During my visit to France, a learned gentleman of that nation named Brook (*sic*) said to me, "The people of France cannot compare with the people of England, and this is deeply to be lamented. The reason is that, generally speaking, there is no Englishman who does not enjoy to the full the rights given by his government, whilst not only are the French deprived of more than half their legal rights, but many of them are eager wrongfully to seize privileges never granted them. This has been the sure cause of the frequent revolutions which have kept our country in a state of weakness. This state of things is truly lamentable." These words sent a thrill through me and filled me with shame. Every citizen's object in life is to maintain all his rights and so preserve his natural liberty, and to assist in carrying on the government by bearing his part of the national burden; and therefore they (*i.e.*, the rights and burdens) are specified exactly in writing and men bind themselves by a solemn promise to permit no infringement of them, but to act as mutual checks on each other in maintaining them. These writings are what we call laws. The laws are the offspring of the constitution, for the constitution is the root of every part of the system of government, and there is none which does not take its rise from this. And this is the reason why every country, when the time comes for changing its constitution, bestows on it the greatest care and the ripest consideration and ascertains to the full the general wishes. No new measures are put in force lightly or hastily or if they are not imperatively called for by the circumstances. In the case of a country where the sovereign goes to meet the wishes of the people, the greatest care must be taken to conjecture them with accuracy, the internal condition of the country must be profoundly studied and a wide view taken of the national industries. Then comes the most important point of all, and that is to suit the measures to the degree of civilisation of the people.

Again, in ordering the affairs of a nation, its strength must be taken into account. If not, one good will be converted into a hundred evils. The poor man's son who tries to rival the son of the rich man ruins his property and his house, and in the end does not make a show equal to his rival. Those who order the affairs of a nation should remember, before taking action, to consider the due sequence of measures, and should proceed by gradual steps in nourishing its strength, for no nation ever attained to a perfect state of civilisation in a single morning.

Every country in the world has inhabitants of some sort, and, putting aside its condition as civilised or barbarous, some of the people are wise and others foolish, some are rich and other poor. Those who are wise and able and competent to conduct affairs find their way to offices of state, while the wealthy preside over industry and give employment to the poor; all this is nothing more than the natural order of things everywhere. But as the return of one swallow does not allow us to say that spring has everywhere commenced, and it is not till the mists extend their veil and the hundred flowers are seen rivalling each other in beauty that we can praise spring's gentle warmth; so in spite of the appearance of one or two able men or of a few opulent men, all the rest of the nation may still remain buried in poverty, ignorance and degradation. Such a country it would be premature to class with prosperous and enlightened states.

When I consider the results of the measures of the past few years with reference to the present condition of our country it appears to me that the tendencies of the period are still wanting in directness. The people's minds are perversely turned in one direction, and instead of exercising their rights, many of them mimic idly the arts of civilisation; instead of discharging their responsibilities to the state, they are much given to ill-judged pretensions to enlightenment. The consequence is that although they are gradually acquiring more elegance in externals and the old rustic coarseness is becoming abolished by degrees, they find it hard all at once to become enlightened in their hearts.

Another evil is that the laws are promulgated without due consideration. What was thought right yesterday is condemned to-day, and before one measure comes into operation it is followed by another. The people must certainly find it hard to put up with this. The business of government is multifarious; there is no limit to progress, and the important matters of the nation must follow the advance of civilisation. The government ought not therefore to reason as if the position of affairs was now the same as it was in 1868. If those who hold the reins of government were now to guide themselves by those five clauses as the whole constitution, they would be at a loss as often as a decision had to be taken on any unusual matter, and they would probably fail to satisfy the wishes of the people. Our most urgent duty at present is to avoid future difficulties by giving effect to the August Command, adding to the five clauses others founded upon them, and establishing laws. It is also essential to nourish the people and to enable them quietly to raise themselves from their present state of degradation, having done which the day of great results for the nation may calmly be awaited. When once the condition of the people has been improved it will then be the occasion for statesmen to devote themselves to their country's service, for if they do so they will lay in a rich store of blessings for the future. But if the day of great results is not calmly awaited, if one or two clever men, seeking their own personal aggrandizement alone and regardless of the wishes of the people, should, with the hope of gaining a reputation as successful statesmen, cause a leading department to monopolise all the powers of government, and attempt to imitate the example of civilised countries in every detail of the administration, without due consideration, the progress of the country will become involved in difficulties and its position as precarious as that of a pile of eggs. I fear that in such a case I, and such as I, would feel deeply the responsibilities of another time.

I have now given my reasons for thinking that our most urgent need at present is to establish the constitution and the



laws. I have been told that the ancient Romans had a saying "Wherever there is a people, there are laws." By this, it may be seen that a constitution and laws are indispensable things.

In the midst of all that I saw and experienced during my travels in Europe and America, my deep reflections on the past stirred up in my own mind apprehensions for the future. These views I have felt unable to restrain from uttering, and I therefore put them before you, my readers, that you may examine and pass judgment upon them.

*J. W. M.*, 1873, Nov. 8, pp. 796-98.

## 2. THE HISTORY OF THE JAPANESE PARLIAMENT.

(By Fukuzawa Yukichi.)

The Constitution of the Japanese empire was only promulgated on 11th February, 1889, by His Majesty the Emperor. We have not yet been able to peruse calmly all the seventy-six articles of which the Constitution consists, chiefly because we have as yet barely recovered from the excitement aroused by the ceremony of its promulgation, excitement which is not surprising at all if we remember the stupendous change which has been ushered in. When we recollect that throughout the world such events have hitherto owed their origin to popular discontent and clamour, and that in too many cases Parliaments are little more than evidences of internal dissension, it is matter for the highest congratulation that our Constitution has been promulgated and a Parliament provided under the most auspicious circumstances of a tranquil and prosperous reign. Surely in this happy consummation we see portrayed the merits and virtues of our venerable and sacred court, which has become endeared to the hearts of the people. In unison with forty millions of our fellow-countrymen we pray that the Imperial House may last for ever, and that our Emperor may long occupy the throne of

his august forefathers. It is not our intention to comment upon or criticize the Constitution at present ; we shall rather devote ourselves to the duty of recording such incidents in the life of the nation during the last thirty years as may serve to convey to future generations of Japanese or to foreigners unacquainted with the circumstances, some idea of the events which led to this great work. Various comments have been made by numerous politicians upon the Constitution ; some hold that its provisions are too liberal ; others that they are too severe. To us, however, any discussion on these points seems to be useless, for the measure is so novel and strange that we can form no conception of its efficiency or otherwise till we see it in actual operation.

The government of this country, during the historic period, has been absolute—known by different names it is true, but still absolute all the time. Indeed, in not very ancient times the people had not even dreamt of a constitutional system, and no ideographs for the expression of that idea existed. Had any one spoken of the possibility of the nation being permitted to take part in the government of the country by means of a Parliament, and of the reins of administration being transferable according to the views of political parties, his suggestions to the people, imperfectly understood as they were, would have been received with horror. For the law strictly forbade more than three persons to meet together and talk about politics, and men would have recoiled from the idea of combining to contest supremacy in the councils of the empire. It is truly wonderful that from this absolute system of government we should receive the gift of popular representation.

In the West parliamentary institutions have been called into being by the advancing requirements of the times. As the people grew in knowledge, and consequently in power, despotic government showed features alike distasteful to men's sense of freedom and opposed to their rights, and thenceforth the admission of the important factor, public opinion, to a share in

government became a foregone conclusion. In the Japan of to-day, however, a widely different state of affairs exists. The general mass of the nation is indifferent to political power, and ignorant of its value; people mostly occupy themselves with their own personal affairs and are well content, no matter whose hands hold the reins of rule, if only their burdens are lessened and their condition ameliorated. The rivalry which in the West leads people to compete for power, is due simply to the high value they place upon their personal rights; in this country, owing to the peculiar customs which have for so long existed, we are not at all sensitive about our privileges and our rights. From this indifference arises the fact that, as compared with Western nations, the Japanese are not so strongly moved by sentiments of self-respect and self-assertion. It is enough that an order should issue from the government; it is at once submissively obeyed, even though it may be inconsistent with reason. We need not say that personal rights are before political rights in importance; that is a fact which is beyond discussion, for the former must be recognised and established on a sound and solid basis before the latter can come into existence. Nevertheless the Japanese people have not yet recognised or appreciated the value of their personal rights; how, then, can they understand their political rights? We, therefore, assert without fear of contradiction that the nation generally has not yet manifested any desire to take part in politics, or at any rate if such a wish has been expressed, it has not been so formulated as a result of mature deliberation on the subject.

The idea of opening a Parliament in Japan is not, strictly speaking, of recent origin. In 1874<sup>1</sup> Messrs. Gōtō, Itagaki, and Soejima, now Counts Gōtō, Itagaki and Soejima, and Mr., now Viscount Yuri, jointly submitted to the government their views as to the establishment of a House of Representatives. In 1878 many leading and influential men from the provinces arrived in the capital, as delegates of politicians in the different

1. *Sagami* pp. 426-33.



districts, to present to the government memorials also urging that the Parliament should be inaugurated. To a superficial observer it might have seemed at that time that the movement which those delegates represented was widespread and general, but as a matter of fact their petitions did not express the views of the people in general, and the agitation of which they were the mouth-pieces was not by any means universal. The Government treated the movement with a good deal of indifference and in time it gradually subsided. The memorials were not supported by any general expression of public opinion, and were simply allowed to lie on the table. In short this display of enthusiasm was confined to a very limited circle, being merely a piece of strategy wrought by various sections of the then unemployed shizoku class. The fact indeed that many of those who were foremost in the agitation for a House of Representatives afterwards availed themselves readily of any opportunity to obtain government posts, would sufficiently indicate that their zeal in the movement was not sincere or the result of genuine conviction. From all this it will be evident that to the Japan of to-day the principles of democracy are practically unknown, and the temporary agitation on the subject which at times shows itself, is simply the handiwork of idle shizoku, who desire to annoy the government because they cannot obtain office. The schemes of these men do not hurt the administration, for, as they are without funds or influence, their only weapons are the tongue and the pen. The government, on the other hand, stands on a firm foundation; wields the military power and has funds at its command; arrayed also on its side is the police force, a highly disciplined and effective body, while the efficiency of the means of communication throughout the country vastly enhances its strength. Even in 1877 it was able with comparative ease to crush the formidable rebellion in the south-west; while in the autumn of 1887, by the promulgation of the Peace Preservation Regulations,<sup>1</sup> several hundreds of

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1. *Supra* pp. 502-04.

politicians whose presence in the capital was regarded as dangerous, were compelled to withdraw—though for our part we secretly doubted the efficacy of the measure, believing that, even though any evil intention were harboured, the plotters would be powerless to work any real harm. From the foregoing it will, we think, be clear that not only has parliamentary representation not been conceded in consequence of any general demand on the part of the people, but that it has been given voluntarily so far as concerns the great mass of the nation.

This may at first sight appear strange, but if the real conditions and circumstances existing both prior and subsequent to the establishment of the present government on a reformed and restored basis be examined, the reasons for what would otherwise, no doubt, seem unintelligible will be apparent. The arrival of the American squadron off our coasts in 1853, with its immediate results—the opening of the country and the conclusion of treaties with several Western Powers—constituted a series of events perhaps the most gravely important since the foundation of the empire, and as a necessary consequence the minds of the people were affected to an unprecedented extent. The government of feudalism, with the Tokugawa regency in the centre, and some 300 daimyō of different magnitude and influence forming the circumference, had for more than 260 years ruled in the most profound peace and tranquillity throughout the provinces. From the most important institution down to trivial rites, all were regulated by unalterable rules; so that alike in military, political, and financial matters and in the duties of education and the ceremonies of marriage and burial, the wheels of government rolled smoothly along in well-worn grooves. Those who during that halcyon period held the reins of administration, were not called on to govern; they simply watched the affairs of state proceeding along a beaten track. It was only to be expected that the same causes which produced this system of rule should, as time wore on, have an influence on the minds of the people, moulding them in a fixed and uniform type, so that

in the course of events the nation came imperceptibly to adapt itself to the automatic-like movement and unvarying tranquillity of the machinery of government. Neither in the ranks of those who formed the central figures of the regency, nor in the local clan governments, was there a succession of able rulers or of able councillors; though the majority of them were, on the contrary, ignorant and narrowminded, the course of politics remained tolerably uniform. Matters were much the same whether the feudal rulers and their courts were wise and enlightened or the reverse—their wisdom or ignorance signified little. In short the great principle of the feudal system was its dependance not on men, but on institutions and customs. The word *Hōken* is usually rendered into English by the phrase "feudal system," chiefly for want of a suitable and expressive equivalent, and foreigners assert with a good deal of complacency and satisfaction that the feudalism of Japan was similar in character to that which existed in Europe in the middle ages. Nothing, however, could well be more misleading. The civilisation which had been developing and maturing since the foundation of the Japanese empire, attained its climax during the Tokugawa regime, not a few institutions of which might with benefit be reverted to even at the present day.

It might be supposed that, as the genius of Japanese political government during the feudal period did not call for unique personal qualities—as manners not men were its moving power—and as public life did not thus afford any opportunity for the display of high gifts or attainments, the absence of stimulus or incentive would have conduced to a dead level of mediocrity.

But the contrary was the case, for it was a noteworthy characteristic of feudalism under the Tokugawa, that the sentiment of chivalry and the taste for learning were as intense and cultured among the middle class *shizoku*, when Commodore Perry reached these shores, as they were at the beginning of the regency. Inheriting in a high degree the proud spirit of his fathers, but fettered in his actions by the restraint of old customs,



the shizoku could only be compared to a hound confined within the bars of his kennel while the quarry gambolled in safety outside.

Such was the condition of the nation when the American ships arrived on our shores, an event which was shortly followed by the conclusion of treaties with several of the foreign Powers. Completely at a loss how to deal with the new and startling emergency, the regency had been driven for the first time since its foundation to seek the advice of the daimyō with reference to the policy which should be pursued in respect to the intruders. But this unprecedented condescension exposed the weakness of the Shōgunate. Its actions now became vacillating and uncertain. It is true that it declared neither for seclusion nor for the admission of the foreigners, but as it seemed to be virtually under foreign influence, the shizoku, fretting under their enforced term of idleness, at once sprang into action, and the people were speedily called on to say whether the "barbarians" should be admitted or excluded. To the mass of the nation this platform was a perfectly intelligible one, and they responded with alacrity and enthusiasm to the movement. But while the popular mind was thus inflamed by the thoughts that such a discussion would naturally arouse, the shizoku found themselves embarrassed by the want of suitable means to carry out their plans. In the first place their feudal lords were for the most part an ignorant class of men, and in the second, the institutions and customs which for 260 years had been rooted in the country appeared to constitute an almost insuperable obstacle in the way they wished to tread. They turned then, in their dilemma, to the court, cultivated close relations with various court nobles in Kyōto, and by gaining the protection and authority of the Throne, strove to win their feudal masters to their side. Their scheme was undoubtedly known to the Shōgun's government, but harassed on one side by the foreign demands for treaty-making, and on the other by the popular outcry for the expulsion of the "barbarians," it could not check

the movement. The shizoku now approached the feudal barons. They produced no Imperial authority, but they hinted vaguely at secret commands emanating from the Throne and instructions received from Princes of the Blood, and they mentioned casually the names the noblemen about the court whose assistance and sympathy they had enlisted. By this means they were successful in many instances in ranging the clans on the side of expulsion. And as their dependence had all along been on the court, they now saw that the next part of this program must be the overthrow of the regency. With the movement for the expulsion of the foreigner was joined the principle of loyalty to the Emperor, and ere long a spirit of actual hostility to the Shōgunate had plainly manifested itself; the loyalist party, as they now termed themselves, declared their line of policy to be first the overthrow of the Shōgunate; secondly, the restoration of the court to its proper place as the supreme centre of government, and thirdly, the expulsion of the "barbarians." The majority of the daimyō ranged themselves on this side, the most powerful clans, such as Satsuma, Chōshū, Tosa, and others, taking the lead in opposition to the regency, the downfall of which was soon accomplished. A new government was formed, really however on the original lines, with the Emperor as its actual head, and thus in fifteen years after the arrival of the American squadron, the practical administration of political affairs fell into the hands of middle-class shizoku, and at the same time the old feudal distinctions of caste were swept away for ever. These shizoku were, so to say, the flower of the nation, for with the indomitable spirit that they had inherited from their ancestors they combined the best education then obtainable, and to this day they are the class who have specially identified themselves with political power.

The Tokugawa regency having now been overthrown, and the government established on a restored basis, the question arose, on whom should political rule devolve. The Emperor was of course, not merely in name but in substance, the centre

of government, but the point was to whom should the work of administration be entrusted? It was clear that this important matter should not be left to the court nobles, who, besides possessing no special aptitude or abilities for the duty, had not taken any active part in the work of the Restoration. It is true that one of the most powerful daimyo might have been selected to establish another regency and control the rest, but at that time no one feudal baron had shown himself to be so far superior to the others as to justify such a step; moreover the real workers in this great event were the shizoku, their lords being simple puppets whose names and influence were deemed necessary to help forward the cause. And even admitting that one of those had possessed sufficient ability, another stage of bloodshed, suspension of business, and waste of money must have taken place before the supremacy of Satsuma, Chōshū, or Tosa could be asserted against their rivals and another regency established. Fortunately, however, for the nation, the daimyō of the time were all on a level of mediocrity, and, besides, their power and influence had been so skilfully balanced that no one potentate was strong or enterprising enough to attempt a supreme position single handed.

The practical political power of the state then fell into the hands of the shizoku. At the outset, while as yet the regency held sway, they were all for the expulsion of the strangers in opposition to the policy of the Shōgunate; but when they had effected the overthrow of the latter and had the management of foreign affairs in their own hands, they soon became convinced of the folly of the course they were advocating. Their prejudices in reference to the admission of foreigners thus dispelled, they now went to the other extreme and became the leaders of progressive principles. The effect of this change was soon apparent throughout the empire, for so anxious did people become to acquaint themselves with the state of Western countries that the little pamphlet *Seiyo jijyo*, or "Facts about foreign lands," the only work of the kind then in existence, was



in such demand that in one year 100,000 copies were sold. Having, at it were, been permitted to peep at Western civilisation, shizoku gradually increased in confidence and ventured to avail themselves of its principles. And now a strange and inexplicable theory, hitherto undreamt of by Japanese, began to gain ground among them; they proposed that public opinion should have a share in public affairs. The work of the Restoration having been accomplished, it seemed to them impolitic to invest with the administrative power either A or B or C alone; but that the affairs of the State should be controlled by all conjointly. For this, said they, is the method followed in Western civilised countries. By a deft use of the word civilisation, then, the conflicting opinions of the shizoku of the different clans were reconciled. The public opinion then meant, however, was different from the public opinion of to-day: it in no wise comprised the views of the general mass of the nation, though there is no doubt that the method resorted to was eminently calculated to conciliate the various and divergent interests of the shizoku. In the Imperial Oath of that time the following sentences occur:—"A deliberative assembly shall be summoned and all measures shall be decided by public opinion." "Both the Court and the people shall unite their minds to carry on the administration prosperously." "Matters should be so arranged that not only government officials and shizoku but also the common people may be enabled to attain the objects at which they aim, in order that their minds may not become stagnant." "The uncivilised and vicious customs of former times shall be broken through, and the great principles co-existing with heaven and earth shall be taken as the basis of action." "Intellect and learning shall be sought far and wide in order to establish the foundations of the Empire." From the Imperial Oath we can gather an idea of the tendency of the so-called popular opinion at that time. By the declaration that affairs of State should be decided according to the judgment of the public

mind, the position to be occupied by the masses of the nation in the national life was definitely fixed. And now people began to think that surely Japan was the country of public thought, of civilisation and enlightenment, and that nothing could withstand the march of reason which had begun. The disintegration of the old institutions was commenced. In no other revolution that had taken place in the empire was there any breaking up of ancient customs and usages; change had simply involved a re-shuffling of the figures that held office and wielded power. But as these re-arrangements were invariably due to the action of some more than ordinarily enterprising spirit whose hostility was not against manners but men, and who followed up his success by adopting the methods of his predecessors and rebuilding up the fragments of the regime which he had supplanted, the new government could not observe any such rule. For there was no man of prominence and genius among them. The work that they did was performed by the united efforts of shizoku; and the object that they had in view was the abolition of the old institutions, for it was necessary for the security of their own position that they should, so to speak, revolutionise the face of the country, and bring the people face to face with the new civilisation. Thus from the first attempts made to reform the system of education and to reorganize trade, to the abolition of feudalism this was the guiding feature. Japanese as well as foreigners were astounded by the ease with which the metamorphoses was accomplished, because they forgot that the leading shizoku of the clans now occupied positions in the government, and, preferring their new role to their former position under their feudal lords, their zeal for the interests of their clans was not particularly intense. Therefore they now assaulted feudalism from the outside who in former days would from within have resisted attack. The feudal barons, destitute of all ability to offer resistance and finding themselves left with none to aid them but the scum of their former retainers, had to submit. At the first glance it seems as if they had of their own

accord handed back their fiefs to the Imperial court; as a matter of fact they merely transferred their possessions to their former clansmen, the shizoku.

Although it had been clearly declared that men of ability and learning should be sought far and wide, and that the affairs of the nation should be conducted by a deliberative body, it was natural that the highest offices in the government should fall to those who had been chiefly instrumental in achieving the Restoration. The power of government therefore came into the hands of shizoku of the Satsuma, Chōshū, and Tosa clans. Ere long, however, differences arose among them; and many who found themselves unable to agree with the views of those with whom they had hitherto been in accord, left the government, their hostility eventually culminating in the insurrections of Saga (1874) and Satsuma (1877). These civil wars were in reality quarrels between former friends. The government, however, wielding legal and recognised rule in the empire, had this advantage; that its opponents were rebels by the mere fact of their hostility; and the struggle was almost as a matter of course of very short duration. While the government now became gradually more firmly established, one disadvantage which always attached to it was the want of a statesman of sufficient ability to act as head of the administration. The shizoku, who had been accustomed to render the most unquestioning obedience and submission to their superiors, found it difficult to carry on a system of government, bearing within it the germ of popular representation, with the efficiency and absence of friction which could only result from the guidance of a master spirit. Chief there was none, for though the highest post in the State might be assigned to him who had won most prestige in their common achievements, no one had the power of controlling his colleagues. The more orderly and systematic arrangements only served to accentuate this difficulty. Occupants of high office in the State could, it is true, be distinguished by being made the recipients of honours, such as official grades and



decorations, or elevation to the peerage, but as the circle of those so honoured widened, the value of the distinction was lowered. It could not be said, therefore, that there was one person in the government distinguished above the others; and the prodigality with which honours were bestowed led the people to apply to it the epithet of the "self-seeking government." No one could be held responsible for this state of things; it was really the outcome of the circumstances under which the administration had been inaugurated.

Yet amid all the difficulties with which it was surrounded, the affairs of State were administered satisfactorily upon the whole, a result due in part to the innate spirit of sincerity and integrity which has always distinguished the Japanese shizoku, and partly to the august and sacred mediating influence of the court. But while outwardly the course of government seemed to be smooth and propitious, internally it had many troubles to contend with. The men who occupied the high offices of State were pretty much alike in respect of age and achievements, forming in fact a kind of brotherhood. But there were many occupying positions in the public service who, belonging to a later generation and being full of aspirations and ambition, were at cross purposes with their seniors. To foreigners the situation will be barely intelligible, but we may say generally that there were existing in the ranks of the government several minor political parties, a condition of affairs which could not conduce to smooth and easy administration. From among shizoku of an irresponsible kind the cry for the inauguration of Parliament was not long in spreading, and just as the *jûi*<sup>1</sup> agitation became general during the early part of the country's relations with foreign Powers, so the *kokkai kaisei*<sup>2</sup> movement became the fashion, and so-called *sādai*, or delegates, were sent up to the capital from various quarters. These, however, did not by any means represent the people at large, and had the matter been

1. "Expel the Barbarians."

2. Council-chamber chosen by the people.

treated by the government with indifference, the agitation would have disappeared of its own accord. The Government, however, so far from acting in this fashion, actually decided upon the inauguration of Parliament.<sup>1</sup> It is difficult to define the reason for the step, but it is probable that the Cabinet were wearied of the difference of opinion existing among the younger official class, who were wanting in patience and perseverance, and whose resentment in consequence of the non-realisation of their ambitions and aspirations might well have proved harassing to their superiors. It is not difficult to imagine then that the men who occupied the higher offices of State became tired of these continual bickerings, and determined to inaugurate Parliament and give the grumblers an opportunity of trying their own plans. Or it may be that, in the second place, the government while fully cognizant of the tractability of the common people, have found it desirable to conciliate and, so to speak, reward that very large class of shizoku who rendered services in the Restoration, but for whom official position has not been provided. By inaugurating Parliament these will be afforded an opportunity of showing what abilities they possess.

The third point involves a good deal of intricacy, but is worthy of some attention. As the shizoku of Satsuma and Chōshū were chiefly instrumental in the work of the Restoration it was natural that the chief seats in the government should be occupied by them, though members of other clans shared in the administration of the national affairs. The Saichō element, however, was the principal ingredient of the compound. During the years immediately following the Restoration, the state of public affairs kept all sufficiently occupied; but as matters became more methodical and system and order gained foothold, the various elements of the government began to exhibit their peculiar characteristics. Broadly speaking the statesmen of the present day may be divided into two classes, those who are open and straightforward, and those who are wily and diplomatic. The former

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1. In 1881. *Ibid* pp, 86-87.

are men who would sacrifice their lives in behalf of their country; they are rich in decision so far as they go, but they lack shrewdness and diplomacy. Their influence and power, however, are by no means insignificant. The second class are distinguished by their skill and ingenuity, and they easily adapt themselves to any circumstances, but in a society where the true samurai spirit still predominates, and where simplicity and straightforwardness are prized, they do not command much power or influence. The public have a habit of saying that the Satsuma people are blunt and straightforward, and that Chōshū men excel in diplomacy and statesmanship. This distinction, however, is not necessarily correct, especially as many of the other clans are represented in the government. These two opposite parties existing then in the administration, it is easy to see how difficulties may arise. If the men destitute of real statesmanship are allowed to do as they like, mistakes must certainly be made, unnecessary time and money spent, and the smooth working of the machinery of State interfered with. And yet it is not easy to restrain such officials, particularly as the present government has been evolved from the principles of public opinion and joint deliberation, and there is no one person in whom absolute power is vested. The other class of statesmen have thus been driven to resort to the expedient of framing laws and regulations with the object of checking the actions of officials; and new measures have been promulgated in such rapid succession as to suggest the complete domination of officialdom. But these attempts to fetter human action have in many cases been productive of no good results, and the object aimed at has not been attained. The establishment of a Parliament is now resorted to with the view of removing the difficulty. Thanks to the benign influence of the Throne, both parties have agreed to this measure, and it is matter for highest congratulation that our statesmen have shown themselves such worthy descendants of Japanese samurai as to sink their differences for the national interest.



Some foreigners have expressed their apprehensions as to the future. They regard the inauguration of Parliament as an indication that the spirit of resistance and the power of the people with regard to the government has been much developed by the progress of education; they believe that steps should be taken to prevent the nation from encroaching on the rights of the government; they are even much concerned about the future relations between the people and the Court. But these foreigners make the mistake of applying to the state of affairs in Japan tests furnished by the history of Western countries. The circumstances which have led to the opening of the Japanese Parliament are unique and unprecedented.

We believe we may safely predict that at first the House of Representatives will represent, not the agricultural, commercial, and industrial interests, but the shizoku. This condition of affairs, however, will not last long, and, as is now the case in local assemblies, business men will be elected in increasing numbers. In course of time, if Japanese society remains under the influence of Western civilisation, the power of wealth will be shown, and intellect, that is learning and education, will be relegated to a subordinate position. The shizoku will therefore have to prepare to adapt himself to the changed circumstances of the times. We suppose his class will gradually drift into agricultural, mercantile, and industrial pursuits, becoming more highly-sensible to the value of money, while at the same time the present business class will learn the advantages of education. So in course of time society will fall under the control of a new class, possessing brains, means and influence. But this change will not come in a day; for the sake of Japan we trust it will be slow and steady. Nor is it at all likely that it will be attended by disturbance. For the Japanese are an obedient people. Long centuries of submission to the most stern and exacting rules for the regulation of all their relations, public and private, have made them so; and to day they bow to the most inconvenient law or rule with unquestioning readiness. They are obedient to their

superiors, content to live within the limits fixed by customs and laws, solicitous for the general order and safety of the State, patient and richly endowed with natural gifts. They have shown indeed that there is a limit to their patience, as when in former times farmers braved the danger of imprisonment, torture, and death, to set forth their grievances. And it has been proved that 270 years of unbroken tranquillity have not made the Japanese less of a soldier than he was in the old times. A people who so readily adapted themselves to the greatest changes their country had undergone since its foundation are not the least likely to be bewildered by the inauguration of a Parliament. Difficulties may arise at the outset; there may be misunderstanding on the part both of the government and the people; undesirable or rash persons may inadvertently be admitted to Parliament. But rashness is not a quality which recommends itself to the Japanese people, and such errors will soon be remedied. These difficulties need not be dreaded. If we remember that society is in this country under the final control of the sacred Throne, which sheds a benign influence all around, we shall have no cause to fear that political excitement will lead our people to stray from the path of order and duty. We may be told that the quality of obedience, though hereditary in the Japanese nation, can be affected by the influence of the ever changing times. We do not think that is probable. We cannot believe that an hereditary quality will so easily yield to external circumstances, or that even education will quickly impair it. Though the institution of Parliament is a novel and unprecedented one in this country, we firmly believe that both government and people will by virtue of their hereditary spirit of obedience faithfully observe and conform to the duties required of them.

*J.W.M.*, 1889, April 6, pp. 336-38.

3. LOCAL GOVERNMENT UNDER THE TOKUGAWA SHŌGUNATE<sup>1</sup>.(From the *Chōya Shinbun*).

During the Tokugawa Regency officials called *machi bugyo* were appointed in Yedo, Kyōto, Ōsaka, and Shizuoka, others called *dai-kan* in each *gun*, and *bugyo* at Sakaye, Nara, Niigata, and Nagasaki. Under each of these officials a certain number of honorary officers were appointed, whose duty it was to deal with matters arising in connection with the various commercial associations (*kumi-ai*). In other respects the practice varied in different localities. One of the distinguishing characteristics of the administration of Yedo was that landholders were appointed to honorary offices. Of such there were three classes:—(1) *itsuki-ji-nushi*, or landholders who resided on their own property, (2) *iyemochi-ji-nushi*, or householders who either let their property to others or occupied it themselves; and (3) *tsujo-ji-nushi*, or ordinary landholders. The rights of these classes differed considerably. Such honorary officials as we have described were entrusted with the duty of managing general matters connected with their own streets. Then there were householders who had control over persons who leased property. The owners of property in each street elected from among their number a *nanushi*; the office, however, was practically hereditary. These *nanushi* were formed into eighteen sections and did duty by monthly turns. The promulgation of official notifications was carried into effect by an officer called *ko-guchi*. In Yedo there were three *machi-toshi-yori* (city elders) who had control of the various sections of *nanushi*, and the former were in their turn under the supervision of two *machi-bugyo*. There were thus in Yedo *machi-bugyo*, *machi-toshi-yori*, and *nanushi*, whose office was hereditary; in Kyōto, *machi-bugyo*, *otoshi-ban*, and *machi-toshi-yori*, who held office

1. This newspaper article is reproduced here for what it is worth, the editor not being competent to express an opinion upon its value. It is, however, a convenient  *précis*  of a very difficult subject. For further information see A. S. J. Transactions, Vol XIX., Part I.



for three years; in Osaka *machi-bugyo*, *sō-toshi-yori* and *machi-toshi-yori* who were appointed for life, and in Nara *bugyo*, *sō-toshi-yori*, and *machi-toshi-yori*, appointed for three years. For Osaka and its three suburbs there were eleven *sō-toshi-yori*, who by means of four offices—one in the city and in each of the suburbs—controlled all the affairs of the communities, with the exception of purely civil and criminal matters. The office of *sō-toshi-yori* therefore corresponded pretty closely to the present district headman. The *sō-toshi-yori* appointment was hereditary; the duties of the incumbents of the post included dealing with the estimates of expenditure, the taxes and other burdens borne by the various streets, and the appointment of *machi-toshi-yori*, and they had further to carry presents to Yedo at the commencement of every year. They were in receipt of no regular salary, but were exempted from several obligations and burdens, and were further permitted to receive money presents from business firms of the streets over which they had control. In each street there was an office for the transaction of the business of the *toshi-yori*, who were elected for life from among those families who had occupied houses, their own property for three generations in the same street, and enjoyed much respect among their neighbours. Their duty was to control under the orders of the *sō-toshi-yori* the business of their respective streets, but in practice their office was a sinecure, their functions being chiefly performed by the *chō-dai* (or street representatives) whose headquarters were in the office of the *toshi-yori*. Like *sō-toshi-yori* they received no salary, but were exempted from various responsibilities and allowed to accept money presents.

Two or three accountants were appointed for each street to perform the necessary clerical work connected with the proper administration of the locality; and the *machi-toshi-yori* was represented when absent by two *tsuki-gyoji*, who attended to the promulgation of official notifications and other matters. The residents in each street were divided into parties of five or more (*go-nin-gumi*), all of whom were required to become surety for

the sale or purchase of land or house property or the borrowing or lending of money by any one of this number. Subject to the *sō-toshi-yori* there was a salaried official known as *sōdai*, under whose supervision all petitions and applications to the *bugyo* were sent forward, his monthly salary being 10 *ryo*. The office of *chōdai* was hereditary and there was attached to it a salary equal to about 300 *me* per month. The appointments of the accountants and *tsuki-gyo-ji* were purely honorary.

Though no land tax existed, there were various duties which were divided into general and specific imposts. The former was regulated by the *sō-toshi-yori* and was levied generally on all streets; the latter, adjusted by the *machi-toshi-yori*, was levied on each street specifically, in addition to the general tax. From the general duty were defrayed wages of labourers employed on official works, of fire brigades, the cost of horse and coolie relays, the repairs of embankments, the salaries of *sōdai*, the maintenance of fire alarm stations, and the dredging of rivers; while the specific imposts were to meet the salaries of *chōdai*, the cost of street offices, and the wages of their employees, and the *hakama* allowance of *machi toshi-yori* (*hakama-sure-ryo*). The estimates of income from the general tax were compiled by the *bugyo* and transmitted to the *sō-toshi-yori*, who determined the amount leviable on each street and instructed the *machi-toshi-yori* as to its collection, the tax being payable in most cases to the *bugyo*. In the levying of the specific tax, the residents on each street had some voice, but practically the procedure was the same as in the previous case.

*J.W.M.*, 1889, Jan. 19, pp. 60-61.

#### 4. VISCOUNT TANI'S MEMORIAL.<sup>1</sup>

Having, as was ordered, made various observations in

1. This Memorial was presented to the Cabinet toward the close of 1887, but its purport was disregarded, and as a consequence the memorialist, who was Minister of Agriculture and Commerce, left the Cabinet.

Europe and America, and having reflected on the state of this country, I perceive certain things which cause me uneasiness, and concerning which I cannot remain unconcerned. I have been desirous of expressing my opinions on these subjects to the members of the Cabinet, but as what I have to say could hardly be said in a day or a night, I have written down my general convictions.

Keeping on a straight path and following the best course, a land of a hundred *ri* is not at all too small to maintain its independence, and even to grow into a rich and strong country; Sweden, Greece, and Belgium are examples of such a country. On the contrary, if a straight path is not pursued and the best course is neglected, even a land of a thousand *ri* can scarcely escape the aggression of its enemy, and also from sinking to a miserable condition. India, Holland and Turkey are appropriate examples of such a country. Those who bear the sceptre of a nation must therefore be very prudent. The ultimate success of the affairs of a country ought to be looked to, and hence great care should be exercised in fixing the national policy. There are matters which must be attended to at once, while there are things which can be done at any time. There are also matters of small interest, while there are matters of deep importance; moreover there are affairs which though of great consequence and importance, do not require to be dealt with hastily nor demand instantaneous attention. All these points must not be neglected. There are many things in this country which I would like to discuss, but among others, I see one which is of a most momentous character and calls for my immediate attention,—one on which the welfare of the nation is staked. What is it? It is treaty revision.

Treaty revision, notwithstanding the utmost exertions of our administrators, and the long interval of fifteen or sixteen years which has occurred since that work was first begun, remains to this day unaccomplished. Recently, however, that which had been the cherished desire of my countrymen for so many years had almost approached completion, and the for-



fortunate era was dawning when foreigners would throw over their extra-territorial privileges and submit to our laws. Was not this really a matter for congratulation for the nation's sake? From another source, however, I hear that as it was insisted that our laws and regulations are inadequate or unsuited for the governing of foreigners, and foreigners therefore object to submit to our jurisdiction, the government intend to revise our laws and regulations so as to satisfy the demands of foreigners. If this information be true, I cannot help saying that our administrators have lost their independence. The laws of a nation have to be framed in harmony with the history, customs, manners, and religious beliefs of the people. If, therefore, anyone contemplates reforming our laws and regulations on behalf of foreigners, I cannot but think that the spirit of independence has departed from the mind of such a person.

It is of course desirable to reform our laws, if these are not perfect; even then if the government consult with foreigners who are ignorant of the history of Japan, and the customs, manners, and religious beliefs of the people, if the government revise our laws with the sole object of satisfying the foreigners, if these things be done in order to obtain the consent of the foreign powers to the proposed treaty revision, then we authorise foreigners to interfere with our legislation, the exemption from which interference is regarded as indicating the independence of a nation. I venture to say that such concessions as these will be the source of miseries which will at last bring the country to ruin.

The laws of a country are framed for the purpose of advancing the welfare of its own people; foreigners have nothing to do with the laws of other countries than their own. Therefore, if the government admit the proposals of foreign countries one by one while conferring with the foreign representatives, and if the negotiations result in giving to the foreigner the right to participate in our legislation, then the evils which will follow from such a concession will not be few, indeed. A man of

ancient times said, "Names and vessels should not be lent." If foreigners are allowed to interfere with our legislature, it will be accounted that the independence will not long thereafter depart.

Besides, treaty revision is the greatest event that has happened in this country since the origin of the nation. If the treaties are once signed, there is little hope of making further alteration. Good or bad, right or wrong, everything effected by treaty revision will affect the reputation of our country. Suppose, when it is accomplished, that the disgrace which we have suffered for thirty years will be washed away; suppose, on the other hand, that it result unfavorably to us; the evils arising from treaty revision will not cease in our time, but will be inherited for a hundred years; it is even doubtful whether or not the independence of the country will last so long. For example, we can see what resulted from the treaty which the Tokugawa government contracted with Mr. Harris, the United States Ambassador. It does not, of course, admit of a single doubt that Mr. Harris did all that he could on behalf of our country, yet in spite of that fact the representatives of the Tokugawa government conferred upon foreigners extra-territorial privileges, a concession which is even now distressing the nation. If the past can serve as guidance for the future we must be very prudent in revising the treaties. Some persons may say, "When our country was first opened, the Tokugawa government signed the present treaty, which injures the national rights and preserves no power of governing ourselves. The responsibility for this treaty, must be borne by the Tokugawa government. The oppressive power exercised by the Tokugawa government for some three hundred years had almost destroyed the interest of the people in national affairs. No one in the days of the last Shōgun knew the condition of foreign nations, nor was there one who comprehended what extra-territorial privileges meant. No one in those days had inquired as to how commerce and customs duties affected the resources of the country. In addition to this, there were many ronin who

threatened to overthrow the Tokugawa government. Under these circumstances how could the government compel foreigners to submit to our laws? When we consider the state of affairs in those days there is little we can blame the officials of the Tokugawa government for. But now the times have changed. The condition of the world is thoroughly known. The administration of foreign affairs is wisely conducted. The evils of extra-territoriality and the effects of trade and duties have all been investigated. There are none of the daimyō who were objects of horror to the Tokugawa government, and there are no men insisting on the expulsion of the foreigners. Thus while the whole country is unanimously in favor of treaty revision, there is not a single foreign power which intends to preserve the old treaty, even by force. What we demand is just and what we propose is right. It might therefore have been anticipated that when we entered into negotiations with the foreign representatives, informing them of the exact condition of our country, foreign powers would have acceded to our proposals." It is true that we are exerting ourselves to the utmost to procure the revision of the treaties, and that the present time affords some opportunity to alter the old treaties. But if, under these circumstances, the government effects the revision in the form which I hear they intend to do, the censure of posterity will be much heavier upon them than that we now impose upon the officials of the Tokugawa government.

Others might assert that be the result of treaty revision what it may, we must be content ; and that it is utterly impracticable to make foreigners abandon their extra-territorial privileges unless we grant some concession ; and also that the desire of foreigners to reform our laws and participate in our legislation is as nothing as compared with the abolition of extra-territoriality. Such presumptions as these are however, erroneous. There are always two means of knowing a thing. There is the name and there is the reality. The name of a thing may be very grand without implying its genuineness. The reality may be very



pure though the name may not be elegant. Consequently it is a gross mistake to pass judgement upon a thing when its name only is known. It is an undeniable thing that extra-territoriality is not only disgraceful in name but utterly objectionable in reality. As an actual fact, however, the injury extra-territoriality inflicts upon us is not so great as it nominally appears. The independence and welfare of our country are actually but slightly affected on account of foreigners possessing extra-territorial privileges. On the other hand, the revised treaty is, I hear, inadmissible both in name and reality. To abolish extra-territoriality is, indeed, a praiseworthy act; but if on that account the government lead foreigners to interfere with the internal affairs of the country, the real injury which we must sustain is unutterably large. Alas! how can those who administer the national affairs seek the name and not the reality? Such action will ruin the country, whatever its reputation, and must not be ventured upon by the members of the present Cabinet.

Another might insist that the latest exertions (of the Ministers) have brought the long-pending treaty revision negotiations almost to a close, and that though the whole nation were engaged in the task, we would not be able to produce so fair a result as we are now approaching. I am, of course, unable to say how the negotiations have been proceeding, for I am an outsider, as far as treaty revision is concerned; but I have conversed upon such subjects as treaty revision and inter-migration with eminent scholars and prominent men in Europe and America; and there was not a single person who was not astonished when I told him of the secret manner in which treaty revision was being negotiated, and who did not denounce the evil of entrusting such a prominent matter to the Foreign Office alone. In Europe and America when any great national event occurs, the Minister of each Department is called upon to express his opinion, and after careful deliberation, the Foreign Office is authorised to act in accordance with the decision of the Cabinet.

Briefly, the Foreign Office can do nothing more than transmit the decision of the Cabinet. If we leave the whole power of negotiating treaty revision, as we do to-day, to the Foreign Office, no matter how experienced the officials may be, the result must be far less satisfactory than if the negotiations depended on the decision of the Cabinet after the subject had been repeatedly discussed by the Cabinet. For instance, the Department of Agriculture and Commerce, which at present is under my control, has the greatest interest in the result of treaty revision. The prosperity of industries depends upon whether the customs duties are heavy or light. Home commerce has close relations with foreign trade. Inter-migration must influence agriculture and mining. To entrust the Foreign Office alone with the power of negotiating treaty revision, therefore, is not sound policy. Alas! it is on treaty revision that even the security of the country depends. It is on treaty revision that the welfare of the whole nation hangs. Is it not then extremely dangerous to leave such an important matter in the hands of the officials of the Foreign Office? If a misguided step is taken, the Cabinet of 1886 will be regarded as having been disloyal to His Majesty, the Emperor, and unfaithful to his subjects. To speak emphatically, the Cabinet of 1886 will be denounced as having persuaded his Majesty to sin against his whole people, as well as against the Imperial Ancestors. The responsibility of the members of the Cabinet is as heavy as the reputation of the country is great. Considering the position they occupy, how can they act imprudently? Having reasoned as above, it may now be asked what shall we do with treaty revision? After having thoroughly inquired of many able men both in Europe and America with reference to the subject, I have now resolved in my heart as to the most acceptable course, one very diverse to that pursued by the Foreign Office. Let me state my opinion.

Treaty revision will, of course, be consummated; but to carry it into effect at the present day is not convenient. I say it

should be effected in 1890, when the present system of government has been changed and the constitutional assembly has been opened. Besides, we must necessarily have sufficient courage to act decisively towards other countries when we propose to deal with such an important question as treaty revision. I think there will be few European nations which will refuse to adopt the proposals we will make, and which will threaten to maintain their privileges by force. Such countries, if there be any, are not to be regarded. In the present condition of Europe and America, if any country showed hostility towards us another country would proceed to form an alliance with us. Moreover, the peoples of Europe and America are thoroughly accustomed to the system of constitutional assembly, and fully recognise the power of public opinion with regard to national affairs. Therefore nothing would make a stronger impression than an expression of public opinion. Consequently in fixing our national policy it is necessary to bear this in mind. At the same time we must endeavor to cultivate friendly relations with all foreign countries in every respect. Meanwhile, if we continue to rely on one or two powers, the world will despise us and we will gradually lose their respect. Many diplomatists insist that conferences relating to foreign affairs must be held in secret, and that when we disclose every matter to the eyes of the world, the points of our weakness are shown, and foreign countries learn to despise us. The only thing we can depend on is public opinion. We will, obedient to the gracious will of His Majesty, the Emperor, consult with the people on all questions concerning treaty revision, and by means of public opinion conduct the treaty revision negotiations. Turkey is at present disregarded by the neighboring countries on account of its adopting the principle of depending upon others; but when we consider how Turkey has maintained its independence among the most powerful countries of Europe, it soon becomes evident that she has acted with unusual prudence and energy. Though it is an undeniable fact that Turkey is only kept from



being absorbed by the protection of one or two strong countries, still we must remember that it holds a self-governing power. In a word, public opinion alone rules the minds of people in Europe and America. Now, to develop public opinion we must rely upon the press and public speech. Therefore we must encourage the press and public speech instead of discouraging these things. That is to say, we must revise and moderate the press and public meeting laws. It is, however, doubtful whether there is no European country which would object to our proposals regarding treaty revision. Therefore we must have in reserve a well equipped militia. As regards coast defence, I will refer to that some other day.

If, when the constitutional assembly has been opened, the Foreign Office will propose treaty revision, stating that such is the gracious wish of His Majesty, the Emperor, as well as the desire of the whole nation, and give the reasons for such revision in the press, both at home and abroad, it will not be at all difficult to get foreign countries to adopt our proposals. Moreover, I am certain that at the present time no European country would despatch their men-of-war for the sole purpose of preserving the present treaty. Though it may look unnecessary, therefore, to make warlike preparations, there are not a few examples of the more powerful countries of Europe subjecting less powerful countries. If we are not backed by a strong army and navy, though we may take advantage of public opinion, we have little hope of obtaining success. Warlike preparations must not be neglected even for a day. If those who govern the nation depend wholly upon the other country, and trust to fortune, the result will be such as we can see in the Port of Alexandria. The members of the Cabinet must think seriously of this.

*Japan Gazette*, 1888, January 8, pp. 6-8.

## 5. MR. ITAGAKI ON LIBERTY.

(A lecture delivered at Koshiu, 1882.)

Gentlemen:—Our Liberal Party<sup>1</sup> is not yet thoroughly established as a political organisation, and therefore what I am now about to say, in deference to your request, must not be considered in the light of a political exposition but of a private enunciation. I mention this, because I have good hopes for the future formation of a strong political association, and I beg you to bear this in mind. However difficult of attainment a matter may appear to be, it will be achieved by diligent application. Any one contemplating a difficult achievement must make up his mind to accomplish it, before he ventures to commence it. And at this day when the members of our party, aiding and assisting each other, are sowing the seeds of liberty expecting to reap a full harvest, they must reclaim the waste lands, uproot all obstacles, and realising that the work before them is difficult, take to their hoes and ploughs and toil with vigor. And now I will indicate what obstructions you have to encounter, in order that you may appreciate the full extent of your task.

When the country was under the feudal system in bygone days the people were overborne by the mutual power of their lords, and had no voice in their own government. Not only were they prevented from participating in national affairs, but they were kept in the condition of slaves, and the result was that they were utterly devoid of patriotism, and quite without union among themselves. Even the samurai, though they had some conception of being the "people" of the country, yet regarded their *dévoir* to their lords alone, and accepted no other obligation. They desired to be isolated from men of other clans, and had no care for a national unity. They knew liberty,—but only personally and egotistically—not as a public and universal benefactor. The fabric, as it were, of the country was only held together by the ties that

1. The Jiyuto, of which Itagaki was the leader.

bound baron and vassal, and if those bonds were broken the disturbances that ensued were wellnigh irreparable. Then the liberty of the samurai degenerated into extravagance and pride, and the class had no idea of extending public and national freedom by some sacrifice of private privilege. This is the first obstacle<sup>1</sup> that you have to remove.

Again, under the feudal regime, the people were despotically ruled and had no rights of self-government. Hence men of energetic spirit, while governing others, never thought of controlling themselves. They deemed that, unless they were actually occupied in ruling, their abilities were wasted, and so they roughly competed for positions of control, wholly ignorant of the principle which impels a man to sacrifice private advantage to public benefit. Jealousy then caused them to sneer at others' actions and to impugn others' fame. This was both a private and a public grievance, and is the second obstacle in your way.

While active men inclined to rule the people despotically, and to give them no chance of self-government, they (the people) for the most part deemed it a sacred duty to accept oppression. The lower classes hugged their dependence and had no thought of freedom; deprived of self-government and self protection they were willing to rely upon the protection of others, and revered the persons, if not the principles of their superiors. The tyranny under which our country groaned so long rendered these abuses almost ineradicable, and here you find a third obstacle.

Under the feudal system, the samurai, great in power and responsibility, were well educated and primed with knowledge, but all the other people, whose main idea of existence was to pay taxes and acquire property, had no desire to learn, and if

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1. The lecturer apparently meant, in this and subsequent allusions to obstacles, that traces of the prejudices he deprecated still remained in the minds of those who less than twenty years before were a privileged class, and that these must be obliterated before national progress would be possible.



they were rich were ignorant. Thus intellect and money were incompatible possessions. Moreover, since the opening of this country to foreign intercourse, civilisation has rapidly progressed, and western science and art have thrown their rays all around us. The spirit of the time is rapidly infusing itself into our youth, but is slow in making any impression on the old. As a rule the former are cultured in occidental lore, while the latter are content with the old abuses. Hence the experience of the old clashes with, instead of being united in a common fund with, the vigor of the young, for the benefit of the whole country. This is the fourth obstacle.

In the middle ages our people were divided into two classes, military and civil. The former were the controllers, the latter the controlled. Hereditary tradition creates common custom. The samurai made it their exclusive business to participate in affairs of state, and were therefore much concerned in politics; whereas the commoners, satisfied with long subjection, cared for none of those things. Some one has said that any idea of politics is non-existent in our country. This is true of the vulgar and ignorant, but political knowledge is widely diffused in circles of well-informed people. Truly the difference in the amount of appreciation of politics existing in our lettered and unlettered communities is as wide as the expanse between heaven and earth. To maintain balance and harmony between them is most difficult, the wise adding to their wisdom and the foolish progressing in their ignorance. This is the fifth obstacle.

Two thousand five hundred and more years ago our nation was founded. Since then many changes have occurred, but as they were merely dynastic struggles between two houses of imperial lineage, or contests for military supremacy on the part of various heroes, no opportunity occurred for introducing reform into the system of government, which remained as despotic as ever through hundreds of years. Hence there was no chance for political progress. Slow indeed were the steps of our country in civilisation as compared with those of occidental nations.

Uncivilised peoples maintaining their natural dispositions are not bereft of the power of growth, and hence we may call them young, but semi-civilised nations whose innate strength has been arrested by artificial laws we must call old. Thus our countrymen seem to be not young, but very aged. This is the sixth obstacle.

Our national education is of three kinds, Shintōist, Confucian, and Buddhist. The first is a relic of the old theocratic rule, and was long of valuable assistance to the ancient sovereign administration. Buddhism is an imported creed, and almost became the state religion, but is always subservient to politics, forming a link between government and faith. Again, in Confucianism we have a mixture of politics and religion, the principles controlling either being held to emanate from the same source, government being regarded as a paternal institution whose main office is to instruct and protect the people. Thus government and religion trespassing on each other's domains have interfered, here with the private life of the people, there with the administration of public affairs, inflicting injury on one side and on the other. This is the seventh obstacle.

Such is the land which our party has to reclaim; such the obstacles to be removed. I know that the work before us is difficult. What kind of hoe and plough shall we then employ? In order to organise a constitutional government and perfect the liberty of the people, each individual must cast egotism away and assume a pure patriotism. People must work into the groove of mutual assistance. A country and government institutions are but means for the protection of personal rights by means of popular unity. Hence, if a man wishes to enjoy liberty through the protection of his government he must sacrifice a portion of his inherent and personal freedom, and must strive to acquire a national liberty. If an individual can live satisfactorily in a state of isolation without caring for the common weal, he may be as selfish and extravagant as he

pleases, without sacrificing any of his personal freedom. Nevertheless, people can only enjoy life by mixing with their fellows and depending on the community, and therefore their aim should be to secure civil liberty by making mutual concessions. The extension of national liberty is an addition to the security of individual freedom; and this should be the ambition of every community. Yet our compatriots are still enamoured of seclusion, and destitute of patriotic feeling, and cannot comprehend the meaning of sacrificing personal latitude to public benefit. This is a traditional abuse born of despotism. The only way to ameliorate it is to allow the public to participate in public affairs, by which means they will grow to understand that national and individual advantages are identical in their effects. Our party should abjure all ideas of petty insolation, and should strive for the public benefit. This is the first thing I hope from you.

The aim of our party should be to govern themselves, not to control others. The latter operation is much more easy than the former. Naturally every person prefers ease to hardship, but those who lead the public should give ease to others and keep difficulties for themselves. The accomplishment of this duty is the first wish of a great man responsible for the discharge of government functions, and anxious to write his name in deeds of merit, regardless alike of personal name and risk. In countries where the men capable of such deeds are few the lighter is the task of those who undertake it. In a country where all are eager the fewer will succeed; and in our country there is plenty of room for as many as like to try to exercise their ability and put their knowledge to good use without endeavoring to be absolute rulers. Spencer, the learned Englishman, wishing to inculcate this principle, says that he himself is an emperor and a born legislator. And so, to discharge a difficult duty manfully, benefiting the public and governing oneself, is to be in the government without occupying an official position. Our party should leave ease to others and court difficulty for themselves. It should dash jealousy aside, hold fast to uprightness,



and lay the foundation on which shall be built the edifice of self-government. This is my second desire for your welfare.

Should our party really desire to cement its union, and to vanquish its opponents, its members must most evidently be mutually friendly, and must respect the principles, rather than the persons, of their associates. The freedom to which we so earnestly aspire is the principle which pervades heaven and earth, and not a merely selfish attribute. A party which is merely devoted to the persons of its leaders is a private undertaking, while one concerned with the public benefit is alone a public institution. The one is weak through depending on the power of its leaders, the other is strong in its own faith and the power of its members. An old author says:—"All the soldiers of a great army may be captured, but the thoughts of the most vulgar person cannot be arrested." The reason is that, in the former case, the courage of the whole force depends upon one man's reliance upon another, while in the latter, a person has full faith in himself. So long as people revere the principles, rather than the persons of their leaders, they will preserve the existence of their party even though their leaders should die. My third desire for you is that you should follow the principles rather than the persons of your leaders.

One urgent need of our party is to accumulate the force of many individuals. Speaking generally, the well educated are highly progressive, while the mere well-to-do are inclined to put a rein on thought, and men of experience are of even a more advanced conservatism. Thus in the people we find many grades of opinion, but so long as their object is identical with our own, we should do our best to draw them to ourselves, caring nothing for minor differences of opinion. We find such disagreement even among those whose main views for the reform of the government are the same. Thus one would have a unicameral, another a bicameral parliament. Some believe in a universal franchise, while others desire a property qualification for electors. The decision of these questions, however, can

well be relegated to the time when the form of government has been reconstituted. To engage in frivolous disputes on small subjects before the time for full reform has come, disregarding the accomplishment of our main object is, in the words of an old proverb, "to be like a singing-girl who expends her voice before she leaves the green-room." In the West the strife of political parties conduces to the welfare of the public. But there the controversialists have the tradition of time and experience. And should parties without skill and knowledge, in a country entering upon a new phase of life, fall into causeless disputes upon trifling matters, they may cause us to fail in the objects of our enterprise. What I wish to indicate is that our party should not concern itself too much with particulars, but generously strive to establish a great union. This is my fourth wish for you.

The object of our union is to institute a form of government wherein the people shall have a voice in public affairs. Public opinion is the axis round which should revolve government policy. On its prosperity or decay depends the prosperity or decay of the government. For its promotion and a simultaneous inauguration of a beneficial policy we must educate the people in politics. A good administration and the felicity of the commonwealth are dependent upon public opinion, inasmuch as the governed can prevent their rulers from making arbitrary use of political power. If those who are governed are wholly ignorant and unable to impose any check upon their rulers by the expression of public opinion, even a good and perfect polity may degenerate into selfishness and tyranny, and the people will be deprived of all the benefits designed for them.

Good people make good governments. Therefore while reforming the government and making it a permanent institution, we must reform the national character and make our people good. When the differences of political opinion between the lettered and unlettered classes are very great and their concord is disturbed, there is no hope of establishing a substantial public

opinion. Our party should strive to bring the cultured into communion with the uncultured, to improve the ignorant, and thus to form a communion of ideas, building up public happiness and national welfare upon a sound foundation. This is my fifth desire.

Should our party desire to bring with swift steps our country, already old, in the sense I have described, to the path of civilisation, we must take decisive measures. To illustrate :— A youth who has plenty of time for study before him may pursue a regular curriculum on established rules, but an old man desiring to learn must take extraordinary measures. It is quite in the regular course of events that a man who is able to control himself and govern his family should take part in the national affairs ; but our countrymen—who are really old—must learn their lesson by an expeditious method. The enlightened systems of government obtaining in western lands have grown with the growth of the people, and are therefore in accord with the ordinary course of events. If our old country desires to overtake the occident it must take the nearest way. Some old literate may object to this proposition, asking how a man who cannot govern himself or keep his family in order can participate in national business ? Or again, while western countries have progressed in the natural order of things, how can our country be expected to reach the end of its journey by a short cut ? Such querists are of obsolete ideas. The affairs of this world are full of life, not dead. Our party must not heed such worthless and commonplace persons. They must contribute to our national progress until they have outpaced the western world. This is my sixth hope for you.

Our party desires a liberal, but not a meddling, policy. The interference of a government with the private affairs of the people is due to its ignorance of the distinction between politics and religion, public and personal matters. Government interference means the loss of independence. Our party should discriminate between politics and religion, and oppose govern-



ment interference with private affairs. Propagation of liberal principles by our party is a public, not a private venture. Those who agree with us in these respects are good friends of liberty, and, although they may not be in harmony with us in our private relations, yet we can be in perfect accord with them otherwise, and on the other hand those who, no matter how intimate they may be with us privately, oppose the cause of liberty, cannot march in the same way with us. Thus in striving for public progress we must not be encumbered with private relations, and *vice versa*. What we have to do is to go steadily forward, taking a foot where we sacrifice an inch. This is my seventh hope for you.

I am well aware, as I said before, that it is not an easy task to reclaim the waste lands, and to sow the crop that shall bring in a good harvest of liberty. Yet employ the aims that I have expressed as your hoes and ploughs. Anything can be accomplished by steadfast endeavor, while no success awaits the man who dislikes and neglects his work. Take for instance the case of the late Saigo Takamori. He was a great and valiant man. At the first rising of the people of the western coast, he deemed his enterprise so difficult, so impossible, that with the priest Gessho, he threw himself into the Satsuma Sea. He was rescued and thereafter strove so earnestly that he brought about the Restoration. In more recent years, thinking that the object he then had in view was easy of attainment, he signally failed. He was no braver at first than at last; but his first success was due to his strenuous endeavors, and his last failure to his careless remissness. From all this I conclude that, in our propagation of liberal principles, we shall obtain success, if we strive steadily, neither contemning the work as too easy, nor turning back from it if we find it difficult. To secure liberty we need sincerity and strong endeavor, not trick and intrigue. Some inconsiderate persons, wishing for freedom, plot and scheme to attain their object. I say that they are both injudicious and imprudent. There is reason in all things. The wise man does not hesitate,

the brave man does not fear. Although there are many obstacles on that waste land of liberty which we are anxious to reclaim with your aid, yet staunch toil with hoe and plough will remove them all. Sharp cold of winter and suffocating heats of summer alike must not arrest our labor, though they may injure the growth of the plant and the ripening of the fruit. I believe that ere long our party will be reaping the crop of liberty. You must, then, be diligent.

*J.W.M.*, 1882, June 15, pp. 459-61.

#### 6. COUNT ITO ON THE CONSTITUTION.

(A speech at Ōtsu, 1889.)

Gentlemen, it is with great satisfaction that I meet you here to-day in response to your invitation. You have asked me through Governor Nakai to address you on the subject of the Constitution, but as I did not expect to be called on to speak to you, I have not had time to prepare myself. As I do not wish to disappoint you, however, I shall make some remarks, disjointed no doubt, on the topic that has been suggested. I trust you will bear in mind that the points that I am about to bring to your notice are of the utmost importance, and should be kept constantly in view by the people. Now that the Constitution has been promulgated, it will be of interest to discuss it briefly from a historical point of view, with the object of demonstrating that this momentous event is no mere fortuitous occurrence. It will not be necessary for us to go back a distance of hundreds of years; all that is required is that we should examine the facts connected with the grand work of the Restoration. That great achievement, resulting in the return of power and rule to the proper hands, was due to two causes; namely, loyalty and foreign intercourse. The loyalty found its expression in a strong desire to revert to that system under which power was vested in

the Emperor, while foreign intercourse operated through an earnest wish to substitute for the national policy hitherto pursued (that of seclusion) a course aiming at the extension and development of our relations with foreign peoples. It does not concern my subject to discuss in detail the connection which existed between the loyal sentiment and the Jōi principle; that point may therefore be passed over with very few remarks. It will be sufficient to say that as the result of the combination of the one with the other, public feeling ran almost unprecedentedly high, and the Tokugawa regency at length, finding it impossible to stem the current, had to restore the reins of government to the rightful owner. As you are no doubt aware, the affairs of the country were, in the simple days of old, administered under the personal direction of the Emperor, by means of the gun and ken systems. As time went on the military classes, however, acquired a hold on the governing power, and eventually the court became a mere ornament; though the people at large, remembering the facts of history, always entertained a hope that sooner or later the Throne should have its own again. Of the existence of this loyal feeling the actions of Kusunoki and Nitta (in the reign of the Emperor Godaigo) afford us the most notable examples. Their efforts, however, were unhappily not only defeated but in the end more firmly established the feudal system. This page of our history cannot be sufficiently regretted, but as a matter of fact the failure of the loyalists then operated beneficially by stimulating to greater enthusiasm the minds of later generations. For feudalism long presented to its enemies a firm and impregnable front; but its end was surely though slowly approaching. Towards the close of the Tokugawa regime, the regency found itself face-to-face with the disagreeable necessity of opening to foreigners the gates which for so long had been closed against them; and of concluding treaties with some of those whom the Japanese people had been accustomed to despise as "barbarians." The unsatisfactory course pursued by the Shōgunate with regard to foreigners speedily evoked disappro-



bation, and as its policy went from bad to worse, the old loyal sentiment, which had only been slumbering, was at last roused into action, and the Restoration was accomplished. But for the happy development of this feeling in its original and true form, simultaneous with the opening of the country to foreigners, in all probability the historian of that era would have had to record a repetition of the unsuccessful attempt of the Genkō and Kemmu periods.<sup>1</sup> As matters turned out, however, the inherent feeling of attachment matured in time to operate, in conjunction with the action of the regency in admitting foreigners, towards effecting the overthrow of the Shōgunate and restoring power to the Imperial court. But when this great result was achieved, it became evident that further attempts to maintain the seclusion and isolation of the country from the rest of the world would be highly impolitic. Treaties were therefore concluded with our visitors, and intercourse with them was duly initiated. But those who had now been entrusted by the Emperor with the chief share in the conduct of public affairs were not satisfied with the restoration of power to the Throne, and the inauguration of treaty relations with foreign powers. They set themselves to the task of introducing Western civilisation into Japan and of eliminating such undesirable features as became apparent by contrast with the conditions of the West. They saw foreign powers actively engaged in the rivalry of cultivating their strength and resources; and they could not help asking themselves how Japan could hope to hold her own in the struggle, or maintain her independence and integrity so that, in common with other countries, she might enjoy the benefits of civilisation and enlightenment. It was plain to them that if the national dignity was to be demonstrated in the face of the world the national resources must be developed and the national power strengthened by some uniform process of government and administration. In short, then, they resolved to remove the chief stone in the feudal structure, which during hundreds of years

1. Genkō, 1331-34; Kemmu, 1334-5.

had been so firmly consolidated. This was accomplished without the shedding of a drop of blood. The feudal barons, without a murmur, returned the control of their fiefs and retainers to the Throne, and thenceforward the resources of the nation were brought under a uniform system of administration. So much having been accomplished, the next question was, how should these resources be husbanded and encouraged in their development. The answer plainly was, to educate the people with a view to their becoming factors in the progress of the country. The happy results of the policy thus adopted are plainly evident at the present day. If we carefully regard the method in which public education has advanced, from the cultivation of knowledge in connection with political economy, law, and kindred branches, to commerce, trade, and industries, and compare the present state of affairs with that which existed some twenty years ago, we shall not exaggerate if we say that the country has undergone a complete metamorphosis. If we reflect upon the history of civilisation in this country it will be perceived, I think, that while several influences have been at work, still the introduction of such alien religious systems as Confucianism and Buddhism, which were largely instrumental in elevating our people, and the development of such works as have conduced to their welfare, have been due to the benevolent guidance and encouragement of the Sovereign. We may therefore say with truth that the civilisation which we now possess is a gift from the Throne. These facts, which are plainly apparent in the pages of our history, will clearly demonstrate to others the nature of our national life. I shall now proceed to discuss the subject of the participation of the people in the government of the state. It is only by the protection of the law that the happiness of the nation can be promoted and the safety of person and property secured, and to attain these ends the people may elect their representatives and empower the latter to deliberate on laws with a view to the promotion of their own happiness and the safeguarding of their rights. This, gentlemen, is enacted by the Constitution, and I

think you will agree that it constitutes a concession to the people of a most invaluable right. Under an absolute system of government the Sovereign's will is his command, and the Sovereign's command at once becomes law. In a constitutional country, however, the consent of that assembly which represents the people must be obtained. It will be evident, however, that as the supreme right is one and indivisible, the legislative power remains in the hands of the Sovereign and is not bestowed on the people. While the supreme right extends to everything, and its exercise is wide and comprehensive, its legislative and executive functions are undoubtedly the most important. These are in the hands of the Sovereign; the rights pertaining thereto cannot be held in common by the Sovereign and his subjects; but the latter are permitted to take part in legislation according to the provisions of the Constitution. In a country which is under absolute rule the view of the Sovereign is at once law; in a constitutional country, on the other hand, nothing being law without a concurrence of views between the Sovereign and the people, the latter elect representatives to meet at an appointed place and carry out the view of the Sovereign. In other words, law in a constitutional state is the result of a concord of ideas between the Sovereign and subject; but there can be no law when these two are in opposition to each other. The power of the national assembly being thus of great importance, similarly the right to take part in its work of legislation is an important one and should be respected. Now as to the actions of the representative assembly. It will be seen that the opinion of the assembly must be consulted in framing a new law. The people of course must observe and obey all laws passed and enacted prior to the inauguration of the Diet, but if it should appear that such laws are enforced in a manner opposed to the object for which they were framed, the people may demand that they be properly put into practice. As the enactment of future laws, then, will depend upon the Diet, the latter



may philosophically be regarded as assisting in the exercise of the right of sovereignty. Hence the term "consent" (*Kyôsan*), which appears in the Constitution. There may possibly be not a few members of the public who have entertained the erroneous idea that the so-termed representatives will carry on the administration of the state. To these it must be stated that the assembly is purely a body to deliberate on laws and to supervise administrative affairs, but not to administer the affairs of state. In the Constitution there are provisions setting forth clearly the duties and operations of the assembly, but on that matter I have already touched incidentally. If we trace back to its origin the principle of a representative body, we find that it first manifested itself among an ancient German people. It has been, and still is indeed, affirmed that it is a growth of the English people, but it is not so in fact, for in an old German law, that in the levying of a tax the taxpayer should be consulted, we find the germ of the popular representative principle. The system prevailing in England must be an offshoot from the seedling that appeared in Germany, and from which the principle developed largely in later times in the west of Europe, though it never gained a hold in the central and eastern divisions. Till about a century ago it was held that representative bodies should have a monopoly of the legislative right, and the theory of thus dividing the supreme right found much favour. But this conclusion has been held to be illogical by modern scholars. They say the state is like a human body. Just as one brain controls the diverse actions of the limbs and other parts, so should one supreme power superintend and control all the other members of a nation, though such members may play various parts in the whole. This view is perhaps in its turn a little antiquated, but it is sufficient to show the absurdity of the tripartite theory which maintains that the representative body should monopolise the right of legislation. If we remember that the legislative right is a part of the supreme prerogative and that the latter is the sole possession of the Emperor, it will be apparent that no such monopoly is possible. But

the Sovereign may permit the representative body to take part in the process of practically applying the legislative right. Since the tripartite theory lost favour it has come to be recognized that the supreme right must be vested in one person and be indivisible. The representative body is not only to be permitted to participate in legislation ; it will also be allowed to take part in other equally important matters, as for example, finance. In every country where there is a representative body, the national finances, that is the estimates of income and expenditure, are laid before that body for deliberation. It was at one time held in Europe that the estimates were in reality a law, and although such a theory is now untenable, still it may be taken as indicating the important part that finance plays in relation to the work of legislation. In this process the representative body is within certain limits permitted to participate. The rights of the assembly may be divided into three sections by way of illustration ; (1) in order to its enactment every new law must pass under the deliberation of the assembly ; (2) its decision must be obtained in reference to financial questions pertaining to the national revenue and expenditure—in other words it must be consulted as to the method and process of levying any new tax necessary to supply the needs of the treasury, or of raising a national loan, for the obligation of repayment in the latter case reverts to the treasury, or—which amounts to the same thing—is included in the burdens of the people ; (3) whenever administrative measures involve harsh or illegal treatment of the people, the assembly is entitled to demand redress. Such demand, however, is not to be made by any individual but must come from the whole body, and the procedure to be followed is to address the views of the assembly by petition or memorial to the Emperor. The assembly is thus practically unhampered in the exercise of the last mentioned right. If we look back into the history of the world to the origin of the representative body, we shall find that the principle has undergone an extraordinary degree of development. At the

Restoration the institution, then well grown in Europe, was by an enlargement and extension of the scope of our national policy adopted in Japan. Now, by carefully adapting the principle to our national characteristics, manners, and customs, and by retaining what is excellent and discarding faults, we are about to put into practice a system of constitutional politics that is without rival in the East. And this leads us not unnaturally to discuss briefly the English constitution, which in many quarters has been thought worthy of imitation. I shall, however, speak solely of the difference in the history and evolution of the two constitutions, and shall not attempt to define their relative merits. In England there is no codified constitution, and you must bear in mind how the English people obtained the so-called Great Charter. The nobles of England, as you no doubt are aware, not only form a large section of the population, but they were, and are still, powerful. The Sovereign of that day, having engaged in unnecessary warfare with a foreign country, levied heavy burdens on the people, which policy led to much discontent. But the complaints were not confined to the mass of the people; the nobles were also angered by the monarch's actions and refused to obey his commands. Eventually they combined and required him to sign the Magna Carta; he at first refused but was at length compelled by force to comply. You will see then that while it is quite true that the King had oppressed the people, as a matter of fact this Magna Carta pledge was extorted from him by the nobles at the point of the sword. The case of Japan is totally different. The most cordial relations prevail between the Throne and the people while our Constitution is granted. The position of our Court cannot be at all compared with that of England when the Magna Carta was granted, for we know that our Imperial House has a single aim—the welfare and happiness of the nation. Not only were there no such discontented barons in this country, but our feudal lords, great and small, joined in requesting the Crown to take back the military and political rights which for centuries



they had enjoyed. Could any two things be more radically different than the origins of the English and Japanese Constitutions? If the English people felicitate themselves on the influence exercised in promoting and developing the national welfare and interest, by a Charter given under such ominous circumstances as was theirs, how much more should we congratulate ourselves having received from our benevolent Sovereign, under the most happy and peaceful auspices, the Constitution of the Japanese empire! Moreover, the English after dethroning the king required his successor to sign the Declaration of Rights. It will be seen, then, that to attempt imitation without heed to these historical facts would be a grave error. I can see no reason why our country, either now or in the future, should follow the example of England. These facts can be easily investigated by the merest schoolboy, and I need not dwell further on them. The course which lies now before the Japanese empire is plain. Both ruler and ruled should apply their efforts smoothly and harmoniously to preserve tranquillity; to elevate the status of the people; to secure the rights and promote the welfare of each individual; and finally, by manifesting abroad the dignity and power of Japan, to secure and maintain her integrity and independence. The valuable rights that I have described to you have been bestowed by the Constitution with a view to consolidating the foundation and elevating the position of our country. To this end, while discussion on points involving national interests is allowable, nay necessary, rivalry in efforts to promote the progress of the empire should go hand in hand with public order and tranquillity. The great end that we have in view must be attained by the co-operation of Sovereign and people; the promotion of the national welfare is impossible without a peaceful and orderly condition of society. It is not so easy as theoretically it may be imagined, to destroy that which has been existing and to satisfactorily construct something else to take its place. Rarely do destruction and construction proceed successfully together. We, who have been privileged to live in this happy and

auspicious time, have the earnest hope and desire that after the Constitution is put into force, the relations between the Sovereign and the people will become more and more intimate and trustful ; that the political life of the nation will move along smoothly and peacefully, and that boundless peace and prosperity will be the lot of our country.

*J.W.M.*, 1889, May 4, pp. 431-2.

#### 7. AGRICULTURAL DEPRESSION RESCRIPT.

(March 30, 1885.)

It is hereby notified that, as considerable apprehensions are entertained as to the success of agricultural operations this year, in view of the irregularity of the weather since the opening of spring, while the importance of the industry and its products is such as is stated in the appended notice, the undernamed Secretaries will be despatched to the various agricultural districts for the encouragement of measures of improvement, and will exert every effort towards securing the desired end.

COUNT SAIGO YORIMICHI,  
Minister of Agriculture and Commerce.

(Here follow the names of nine agricultural districts, and the list of Secretaries to be despatched to them.)

#### THE NOTICE.

The embarrassment of the population, arising from abuses existing for many years, seems to have now reached its highest point. As to the means and methods of relieving this state of things, a scheme has already been developed, this Department having decided to encourage any deserving industry. In addition to this, financial matters have been so far adjusted that the value of paper is about equal to that of silver. This being the case, steadiness of value only is aimed at, and measures to that end

are being carried out with energy. There is therefore no room for doubt that the desired object will soon be attained.

There is, however, one thing that forms a subject of deep concern at present, and that is the irregularity of the climate this year. Since the opening of the spring, cold and heat have alternated without any order of succession, and the damage caused to crops in all districts is very great. The crop of tea has fallen five-tenths from the usual yield, and that of wheat four-tenths. A retrospect of the past shows that agricultural dearth generally occurs in this country in a cyclical period of from thirty to fifty years. This is the fiftieth year since the famine in the period of Tempō,<sup>1</sup> and the climate is so abnormal, that it may well be an omen of another famine.<sup>2</sup> Even though no great destitution should occur, this is certainly not a usual or uneventful year.

Moreover, at present, extreme depression and scarcity prevail throughout the country, and it is difficult to see how the people are to tide over the year if no provision be made to meet present wants. What steps should be taken then? There are two, and only two, ways available, and they are to increase the quantity of labor, and to establish some means by which the accumulation of wealth can be effected. By the increase of labor is meant the making up by human contrivance, for the loss caused by bad weather, e.g. the cutting of grass five or six times instead of three as heretofore. If any deficiency be still found in the annual labor, those who used to work from six in the morning till six in the evening should increase their laboring hours to from four in the morning till eight in the evening. The working classes in our country are capable of an amount of labor unsurpassed by any people in the world, but they have the fault of idly spending their time by sleeping during daylight, by useless talk, by smoking, and in other ways. The whole

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1. Tempō, 1830-1843.

2. The Minister of Agriculture and Commerce was severely criticised, and with justice, for issuing such an alarming statement. The harvest of the year 1885 turned out to be a fair average one.



population being sunk to the depths of the distress and embarrassment of the present day, it is but reasonable to suppose that they should have no stores of wealth left. Yet what is there we cannot accomplish if we only have the spirit to do so? Let all difficulties and hardships be patiently borne; let all expenses be curtailed, even those most difficult to reduce, and of daily importance, and let the minds of the people be applied to storing and accumulating wealth. Those who have any surplus should not be prompted to make purchases only by the cheapness of commodities at present as contrasted with the time when silver rose so much in value. Even supposing that each person spends the trifling sum of twenty-five *sen* a year, the money disbursed by thirty-seven million people will amount to one million two hundred and ninety thousand *yen*. Why, then, should not sufficient care be taken for economy and accumulation?

To carry into effect the above, two measures are required; the governing and the governed must pledge themselves to unite their efforts, and apply their energy in the direction of accomplishing the desired end. Prefects should encourage officers of urban and rural divisions and individuals willing to observe the precautions described above, and these latter should encourage the people in general to practically execute them. If all act as they are recommended to do, famine will not extend its sphere of devastation. Besides these means there cannot possibly be any contrivance answering the requirements of the hour.

*J.W.M.*, 1885, June 6, p. 528.

## 8. LAW OF THE CONSTITUTION OF THE COURTS OF JUSTICE.

(Law No. 6, Feb. 8, 1890.)

### PART I.—THE COURTS OF JUSTICE AND PUBLIC PROCURATORS' OFFICES.

#### CHAPTER I.—GENERAL PROVISIONS.

##### 1. The ordinary courts shall be the following;—

1. Local Courts.
2. District Courts.
3. Appeal Courts.
4. The Supreme Court.

II. The ordinary courts shall decide all civil and criminal matters. Those matters, however, which are determined by law to come within the competency of a special court, are excepted.

III. The District Courts, Appeal Courts, and Supreme Court shall be collegiate courts, in which all matters not otherwise specially provided for by the Codes of Procedure, or by special law, shall be heard and decided in divisions consisting of several judges.

IV. The establishment and abolition of courts and their territorial jurisdiction, as well as changes in it, shall be determined by law.

V. Each Court shall be provided with a sufficient number of judges.

VI. To each Court there shall be attached a public procurator's office. The public procurators shall in criminal matters institute prosecutions and take the steps necessary for their conduct; shall demand the proper application of the law, shall see that the sentences of the Courts are duly enforced, and they can in civil matters demand, if they find it necessary, to have the same communicated to them, and can state their opinion thereon. They shall transact the business of supervision over judicial and administrative matters, belonging to or concerning the Courts, which legally come within the scope of their authority as the representatives of public interests.

The public procurators shall transact their business independently of the Courts.

The territorial jurisdiction of a public procurator's office shall be co-extensive with that of the Court to which it is attached.

When the public procurator, if there be only one, or when all the public procurators of an office, if more than one, are

prevented from attending to any particular matter, the president of the Court, or, in the case of a Local Court, the judge or superintending judge, may, if the matter admits of no delay, appoint a judge to act for the public procurator and to attend to such a matter.

VII. The public procurators' offices shall be provided with a sufficient number of public procurators.

VIII. In each Court a Court Clerks' bureau shall be established. The Court Clerks' bureau shall manage correspondence and keep accounts and records, and do any other business which is by this or any other law specially provided for.

A separate Court Clerks' bureau for the transaction of similar business in the public procurators' office attached to a court can only be established if it should be found necessary, and even then this can only be done in the offices attached to collegiate Courts.

The Minister of Justice can appoint special officials to the Courts to be entrusted by them solely with the keeping of the accounts of the Courts.

IX. In the Local Courts there shall be process servers. The process servers shall serve documents issuing from the Courts, and shall carry into execution the decisions of the Courts.

The process servers shall perform such other special duties as are provided for by this or any other law.

X. In the following cases, except those specially provided for by law, the next higher Court having jurisdiction over the respective Courts shall, when duly applied to, decide what Court is competent to decide the matter in question :—

1. When a Court otherwise competent is, either on the ground of law, or through particular circumstances, prevented from exercising its jurisdiction, and the Court appointed by virtue of Article XIII. of this law to act for such Court is also prevented from exercising its jurisdiction.

2. When the competency of a Court is in doubt, owing to uncertainty as to the boundaries of its territorial jurisdiction.



3. When by virtue of law, or of two or more final judgments, two or more Courts have concurrent jurisdiction.

4. When one of two or more Courts that have declared themselves incompetent, or have been so declared, by final judgments, ought to exercise jurisdiction.

## CHAPTER II.—THE LOCAL COURTS.

XI. The jurisdiction of a Local Court shall be exercised by a single judge.

In a Local Court, which has more than one judge, the business shall be distributed among them in accordance with the general principles laid down by the Minister of Justice.

Such distribution shall be decided upon annually in advance by the president of the District Court.

Any business transacted by a judge of a Local Court shall not be invalidated by the mere fact that such business, according to the arranged distribution, ought to have belonged to another judge.

In a Local Court which has more than one judge, the Minister of Justice shall appoint one of them as the superintending judge and assign to him the administrative business of the Court.

XII. When the distribution of business has once been decided upon, it shall not be changed during the judicial year except in cases of inconvenience of a permanent nature, such, for instance, as when the distributed work of a judge is excessive, or when a judge is removed, or is absent for a long time from sickness or other causes.

XIII. When the judges of a Local Court are prevented from discharging their duties, they shall act as substitutes for each other in the order fixed upon annually in advance by the president of the District Court. As to the duties of the superintending judge, they shall, however, act as his substitute in the order of their official rank.

The Local Court that shall act as substitute for another

Court, when such Court is prevented, on grounds of law or through particular circumstances, from discharging its duties, shall similarly be determined annually in advance.

XIV. In civil actions, the Local Courts, subject to the provisions of the Code of Civil Procedure with respect to counter-claims, shall have the following jurisdiction :—

1. Over claims in which the amount involved or the value of the object in dispute does not exceed 100 *yen*.

2. Over the following actions without respect to value :—

(a) Actions between lessors and lessees with respect to the entering into or giving up possession, or the use or occupation, or repairing of, any dwelling-house or other building or of any part of a dwelling-house or other building, or with respect to the detention of a lessee's furniture or effects by a lessor.

(b) Actions which concern only the fixing of boundaries of immovable property.

(c) Actions concerning possession only.

(d) Actions between employers and employees with respect to an engagement for one year or a shorter period.

(e) Actions between travellers and hotel or restaurant keepers, or between travellers and carriers with respect to the following matters :—

1. Payment for their board or lodging, or for the carriage of themselves or the luggage accompanying them.

2. The luggage or money, or valuables, deposited by them with such persons for safe keeping.

XV. In non-contentious matters, the Local Courts shall, within the limits and in the manner provided by law, be competent to transact the following business :—

1. To supervise the guardians or curators of minors, lunatics, idiots, absentees, and other persons prohibited, by law or any judgment, from managing their own affairs.

2. To keep registers of matters affecting titles to immovable property and ships.

3. To keep commercial registers, and registers of those patents, designs, and trade-marks which have been registered in the Patent Office.

XVI. In criminal matters the Local Courts shall have the following jurisdiction :—

## 1. Over contraventions.

2. Over delicts for which the nominal punishment does not exceed 1 months' imprisonment with, or without, a fine of not more than 50 *yen*, or a fine of 100 *yen* only.

3. Over delicts, except those mentioned in the Penal Code, Book II, Chapter 1, for which the nominal punishment does not exceed two years' imprisonment with, or without, a fine of not more than 200 *yen*, or a fine of 300 *yen* only, and which have been assigned to them by the public procurator's office attached to the District Court or branch division of such Court, as appearing, from the circumstances, of a nature not to require a greater punishment than that mentioned in subsection 2.

In prosecutions instituted by the abovementioned steps, the Local Court, if at any time prior to rendering judgment the offence, in case it be proved, appears to it to be of a nature which could not be adequately punished by such punishment as is mentioned in subsection 2, shall declare itself incompetent to proceed further, and the public procurator shall then take the proper steps to bring the accused for trial before the competent Court.

XVII. The competency of the Local Courts, except that mentioned in the foregoing Articles, shall in respect to the matters mentioned in this Chapter, be determined by the Codes of Procedure or by special law.

XVIII. In the public procurators' office of each Local Court, there shall be one or more public procurators.

The business of the public procurators in the public procurators' office of the Local Courts may be transacted by the members of the police force or officers of the gendarmerie or the forest officials in the locality.

The Minister of Justice may, in proper cases, authorise either the judges of the Local Courts, aspirants, or the heads of the counties, cities, towns, or villages, to act for the public procurators.

## CHAPTER III.—THE DISTRICT COURTS.

XIX. The District Courts shall be Collegiate Courts of First Instance.



In each District Court there shall be one or more civil divisions and criminal divisions.

XX. In each District Court there shall be a president.

The president of a District Court shall direct the general affairs of the Court and superintend its administrative business.

In each division of a District Court there shall be a president, who shall superintend the business.

XXI. The Minister of Justice shall appoint annually one or more of the judges of each District Court to conduct preliminary examinations in criminal matters belonging to the jurisdiction of the Court.

XXII. The business of each District Court shall be distributed among the different divisions and judges of preliminary examination, in accordance with the general principles laid down by the Minister of Justice.

The disposition of the president and members of each division in each District Court, and the representation of the president of the Court and the president and members of each division in case of their being prevented from attending to duty; shall also be determined every year in advance.

The matters mentioned in the above two paragraphs shall be decided upon by the majority of votes in the meeting which is to be held by the president of the Court, presidents of divisions, and a senior judge of each division, and in which the president of the Court shall preside. In the case of a tie, the president of the meeting shall have the casting vote.

The president of the District Court shall name the division in which he intends to preside himself during the ensuing year.

XXIII. Any business which has been commenced in any division but not finished by the end of the judicial year or before the commencement of the vacation, may, if the president of the Court should consider it expedient, be brought to a conclusion by the same members of such division.

Any business which is to be transacted by the judges of

preliminary examination, and which has not been finished, may similarly be concluded.

XXIV. When the distribution of the business, and the disposition of the judges, has once been decided upon in accordance with Article XXII. it shall not, excepting during the vacation, be changed during the judicial year, unless it be on grounds of inconvenience of a permanent nature, such, for instance, as when the distributed work of a division is excessive, or when a judge is removed, or is absent for a long time from sickness or other causes.

In the event of the business of a Court being excessive for its existing divisions, a new divisions, or division, may be established, if the Minister of Justice should consider it advisable.

XXV. In the event of a judge of a District Court being prevented from attending to a particular matter, and there being no other judge of the same Court who can represent him, the president of the Court may, if such matter be found of an urgent nature, order that a judge of a Local Court within the territorial jurisdiction of the District Court, or a supernumerary judge, shall act as his substitute.

XXVI. In civil actions the District Court shall have the following jurisdiction :—

1. In first instance :

Over claims other than those which come within the competency of the Local Courts or that of the Appeal Courts provided by Article XXVIII.

2. In second instance :

(a) Over appeals from judgments of the Local Courts.

(b) Over complaints so far as the same are provided for by law against rulings and orders of the Local Courts.

XXVII. In criminal actions the District Court shall have the following jurisdiction :—

1. In first instance :

Over criminal actions which are not within the competency of the Local Courts and the special competency of the Supreme Court.

2. In second instance :

(a) Over appeals from judgments of the Local Courts.

(b) Over complaints so far as the same are provided for by law against rulings and orders of the Local Courts.

XXVIII. The District Courts shall have general jurisdiction in bankruptcy.

XXIX. The District Courts shall have jurisdiction over complaints, so far as the same are provided for by law, made against rulings and orders of the Local Courts in non-contentious matters.

XXX. The competency of the District Courts and the extent and manner in which their jurisdiction is to be exercised, shall, so far as the same are not provided for by the law, be determined by the Codes of Procedure or by special law.

XXXI. The Minister of Justice may, if he sees fit on account of the distance or difficulty of access of a District Court from some of the Local Courts within its territorial jurisdiction, order that one or more branch divisions of the District Court shall be established for the transaction of part of the civil and criminal business belonging to such Court, and shall determine the Local Court or Courts at which such branch division or divisions shall sit.

In the composition of such a branch division the judges either of the Local Court where the branch division is established, or of a neighbouring Local Court, may be employed. In this case the selection of such judges shall rest with the Minister of Justice.

The Minister of Justice shall appoint the judges of preliminary examination, as well as the public procurators, who are to serve in such branch divisions.

The Minister of Justice may appoint as judges of preliminary examination the judges of Local Courts with the territorial jurisdiction of the District Court of which the division is a branch.



The provisions of Article XXIII. with respect to representation shall also be applied to branch divisions.

XXXII. In the District Courts, the matters, which by the Codes of Procedure are to be tried and decided in Court, shall be heard and decided by a division consisting of three judges, one of whom shall be the presiding judge, and in which under no circumstances shall more than one supernumerary judge be allowed to sit. Other matters shall be disposed of by the judges as provided for by the Codes of Procedure or by special law.

XXXIII. In the public procurators' office of each District Court there shall be a head public procurator, who shall distribute, direct and superintend the transaction of the business of such office. With regard to the transaction of such business, the other public procurators of the office shall, however, have power to act for him in any matter whatever, without being specially authorised.

#### CHAPTER IV.—THE APPEAL COURTS.

XXXIV. The Appeal Courts shall be collegiate Courts of second instance.

In each Appeal Court there shall be one or more civil divisions and criminal divisions.

XXXV. In each Appeal Court there shall be a president.

The president of the Appeal Court shall direct the general affairs of the Court and superintend its administrative business.

In each division of the Appeal Court there shall be a president who shall superintend the business of his division and determine its distribution.

XXXVI. With respect to the distribution and conclusion of business and the representation of one judge by another, Articles XXII., XXIII. and XXV shall be applied to the Appeal Courts, subject to the following modifications :—

1. That the power conferred by each of the above mentioned Articles on the presidents of the District Courts shall

be considered as conferred on the presidents of the Appeal Courts.

2. That when a judge of an Appeal Court is prevented from attending to any particular matter, and there is no other judge of the same court who can represent him, a judge of the District Court of the place where the Appeal Court has its seat, and not a supernumerary judge, may, if such matter be found of an urgent nature, be required to act for such judge in the Appeal Court upon a notice being sent by the president of the Appeal Court to the president of the District Court to furnish him with such judge.

XXXVII. The Appeal Court shall have the following jurisdiction:—

1. Over appeals from judgments of the District Courts rendered in first instance.
2. Over appeals on ground of error in law against judgments of the District Courts rendered on appeals from judgments of the Local Courts.
3. Over complaints, so far as the same are provided for by law, against rulings and orders of the District Courts.

XXXVIII. The jurisdiction both in first and second instance over civil actions against members of the Imperial family shall belong to the Appeal Court at Tōkyō. With regard to the procedure in first instance to be followed in this case, the procedure in first instance in the District Courts shall be applied.

XXXIX. The competency of the Appeal Courts, and the extent and manner in which their jurisdiction is to be exercised, shall, so far as the same are not provided for in this law, be determined by the Codes of Procedure, or by special law.

XL. In the Appeal Courts, the matters which by the Codes of Procedure are to be tried and decided in Court, shall be heard and decided by a division consisting of five judges, one of whom shall be the presiding judge. Other matters shall be disposed of by the judges as provided for by such Codes.

XLI. In the case provided for in Article XXXVIII, the action shall in first instance be tried and decided by a division consisting of five judges, and shall in second instance be tried and

decided by a division specially composed of seven judges; one of such five or seven judges shall be the presiding judge.

XLII. In the public procurators' office of each Appeal Court there shall be a chief-public procurator.

With respect to the authority of the chief public procurator and the other public procurators Article XXXIII. shall be applied.

#### CHAPTER V.—THE SUPREME COURT.

XLIII. The Supreme Court shall be the highest court of justice.

In the Supreme Court there shall be one or more civil divisions and criminal divisions.

XLIV. In the Supreme Court there shall be a president.

The president of the Supreme Court shall direct the general affairs of the Court and superintend its administrative business.

In each division of the Supreme Court there shall be a president, who shall superintend the business of his division and determine its distribution.

XLV. The distribution of business in the Supreme Court, and the order of representation, shall be determined in advance by the president of the Court after consultation with the presidents of the divisions.

The president of the Supreme Court shall name the division in which he intends to preside himself during the ensuing year.

When a judge of the Supreme Court is prevented from attending to any particular matter, and there is no other judge of the same Court who can represent him, a judge of the Appeal Court of the place where the Supreme Court has its seat, may, if such matter be found of an urgent nature, be required to act for such judge in the Supreme Court upon a notice being sent by the president of the Supreme Court to the president of the Appeal Court to furnish him with such judge.

XLVI. The president, or any member, of a division may at any time be transferred to another division by the president of



the Court after first obtaining the consent to such transfer of such president or member.

XLVII. When the composition of a division once decided upon is changed, Article XXIII. shall be applied to the business then pending.

With regard to changes in the distribution of business during the judicial year, Article XXIV. shall be applied.

XLVIII. The opinions expressed by the Supreme Court on any point of law in giving any decision shall be binding on the lower courts in all proceedings in the same action.

XLIX. When a division of the Supreme Court, after hearing an appeal on ground of error in law, is of an opinion contrary to a former decision of one or more divisions of the Court upon the same point of law, such division shall report it to the president of the Court, who shall, upon receipt of such report, order all the civil or criminal divisions, or all the civil and criminal divisions of the Court, according to the nature of the appeal, to sit together, and re-try, and decide the appeal.

L. The Supreme Court shall have the following jurisdiction :—

1. In last instance :—

(a) Over appeals on ground of error in law against the judgement of the Appeal Courts, other than those rendered by virtue of Article XXXVII. sub-section 2, and those rendered in first instance mentioned in Article XXXVIII.

(b) Over complaints so far as the same are provided for by law, against rulings and orders of the Appeal Court.

2. In first and last instance :—

Over the preliminary examination into and decision of crimes mentioned in the Penal Code, Book II., Chapters I. and II., as well as offences committed by members of the Imperial family, which render them liable to imprisonment or to a severer punishment.

LI. For the trial and decision of the matters mentioned in the preceding Article, sub-section 2, the Supreme Court may, it

found necessary, hold its sittings in an Appeal Court or District Court.

In the above case, the judges of the Appeal Courts may be appointed to sit as members of a division, but they must be less than one-half in number of the division.

LII. The competency of the Supreme Court, and the extent and manner in which its jurisdiction is to be exercised, shall, so far as the same are not provided for in this law, be determined by the Codes of Procedure, or by special law.

LIII. In the Supreme Court, matters which by the Codes of Procedure are to be tried and decided in Court, shall be heard and decided by a division consisting of seven judges, one of whom shall be the presiding judge. Other matters shall be disposed of by the judges as provided for by the Codes of Procedure.

LIV. In the case provided for by Article XLIX, at least two-thirds of the judges of the combined divisions must attend.

When, in the above case, all the civil or criminal divisions or all the civil and criminal divisions combine, the judge highest in rank of all the judges in such combined division shall be appointed as the president of such division; the president of the Court, if he may see fit, shall have the right to preside himself in such division.

LV. The president of the Supreme Court shall for each particular case, which by Article L. is to be tried by the Supreme Court in first and last instance, order a judge of the Court to conduct the preliminary examination. He may, however, order, if it be convenient, the judges of any Court to conduct such preliminary examination.

LVI. In the public procurators' office of the Supreme Court there shall be the public procurator-general.

With respect to the authority of the public procurator-general and the other public procurators, Article XXXIII. shall, be applied.

PART II.—THE OFFICIALS OF THE COURTS OF JUSTICE AND  
OF THE PUBLIC PROCCURATORS' OFFICES.

CHAPTER I.—THE NECESSARY PREPARATION AND  
QUALIFICATIONS IN ORDER TO BE CREATED  
A JUDGE OR PUBLIC PROCCURATOR.

LVII. With the exception of the cases mentioned in Article LXV, two competitive examinations must be passed in order to be created a judge or public procurator.

LVIII. The particulars concerning the qualifications necessary for candidates in order to enable them to compete for the examinations mentioned in the preceding Article, as well as the particulars relating to such examinations, shall be determined by the Minister of Justice in the Regulations for Examinations for Judges and Public Procurators.

Candidates who have passed the first examination, shall, before competing for the second examination, be required to go through a period of three years' practical training in the Courts and public procurators' offices as aspirants.

The particulars concerning the above-mentioned training shall also be provided for in the said Regulations for examinations.

LIX. When the Minister of Justice finds the conduct of an aspirant to merit dismissal, he may at any time dismiss him. The particulars concerning such dismissal shall also be provided for in the said Regulations for examinations.

LX. Those aspirants who have gone through the training for one year or more, may transact certain judicial business in the Local Courts if ordered to do so by the judge who has for the time being the superintendence of their training.

Judges of preliminary examination, and commissioned judges of the District Courts, can similary make use of aspirants under their charge to transact certain business for them.

LXI. Aspirants shall in no case be competent to transact the following business :—



1. To render any decision whether in contentious or non-contentious matters.

2. To take evidence, except in the cases mentioned in the second paragraph of the preceding Article.

3. To make entries in the registers.

LXII. An aspirant who has passed the second competitive examination, can be created a judge or public procurator.

LXIII. A newly created judge or public procurator shall, if there be a vacancy, be appointed to a local court or district court, or to a public procurators' office of a local court or district court as the case may be.

The Minister of Justice shall order such judge or public procurator to act, until there be a vacancy, as supernumerary public procurator, and shall employ him either in the Department of Justice, or in a local or district court, or in a public procurators' office of such a court.

LXIV. A supernumerary judge or supernumerary public procurator, employed in a local or district court, or in the public procurators' office of such a court, may, when a judge or public procurator is prevented from attending to his duties and the ordinary course of representation cannot then be followed, be authorised by the Minister of Justice to represent, subject to the restriction of Article XXXII., such judge or public procurator.

The Minister of Justice may authorise a supernumerary judge or supernumerary public procurator, to fill, within the limits of this law, any temporarily vacant position of judge or public procurator in a local or district court, or in the public procurators' office of such a court so long as such vacancy continues.

LXV. A person who has been for three years or more a professor of law in the Imperial University or an advocate, may be created a judge or public procurator, without passing the examinations mentioned in this Chapter.

Graduates in law of the Imperial University may be appointed aspirants without passing the first examination.

LXVI. The following persons cannot be created judges or public procurators :—

1. A person who has been convicted of a crime, unless such crime be of a political nature and he has been rehabilitated.
2. A person who has been convicted of a delict punishable with hard labour.
3. A person who is an undischarged bankrupt.

#### CHAPTER II.—THE JUDGES.

LXVII. The judges shall be created by the Emperor or by his order, and such creation shall be for life.

LXVIII. The president of the Supreme Court shall be appointed by the Emperor from among the judges created by the Emperor. The president of each Appeal Court and the presidents of divisions in the Supreme Court shall be appointed, upon the nomination of the Minister of Justice, from among the judges created by the Emperor. The appointments of other judges shall be made by the Minister of Justice.

LXIX. No person can be appointed judge of an Appeal Court, unless he has been a judge for five years or more, or created a judge after he had been a public procurator, or a professor of law of the Imperial University, or an advocate, for five years or more.

LXX. No person can be appointed judge of the Supreme Court, unless he has been a judge for ten years or more, or created a judge after he had been a public procurator, or a professor of law of the Imperial University, or an advocate, for ten years or more.

LXXI. In calculating the periods of time mentioned in Articles LXIX. and LXX., it shall not be necessary that the service should have been continuous is one only of the employments mentioned in each of the said Articles up to the time of the said appointment.

LXXII. Judges, as long as they remain on the active list of the judicial service, shall not be permitted to do the following :—

1. To publicly interest themselves in politics.
2. To become members of any political party or society or of any local, municipal, or district assembly.
3. To occupy any public office to which a salary is attached, or which has for its object pecuniary gain.
4. To carry on any commercial business or to do any other business prohibited by the administrative ordinances.

LXXIII. With the exception of the cases mentioned in Article LXXIV. and LXXV. a judge shall not, against his will, be either removed to any other official position, or be transferred from one court to another, or be suspended from exercising his judicial functions, or be dismissed, or have his salary reduced unless it be by virtue of a criminal sentence or a disciplinary punishment; the cases in which a judge is ordered to be transferred from one court to another, when he is a supernumerary judge, or when there is necessity to fill up any vacant position of judge, are excepted.

The above provision shall not affect the suspension of judicial functions which may be permitted by law, either at the commencement, or while the same is pending, of a disciplinary enquiry, or a criminal prosecution.

LXXIV. A judge may, when he becomes so enfeebled in his physical constitution or mental faculties that he is not able to discharge his duties, be ordered by the Minister of Justice, under the resolution of a general meeting of an Appeal Court or the Supreme Court, to retire from the judicial service.

LXXV. In the event of a change in the organisation of a court being made by law, the Minister of Justice shall have the power, if there is no vacancy to which he can appoint a judge left without a post thereby, to place such judge temporarily on half salary to await a vacancy.

LXXVI. The regulations concerning the official rank, salary, and promotion of judges shall be determined by Imperial Decree.

LXXVII. Judges, upon their retirement from the judicial service, shall be pensioned in accordance with the Pension Law.



LXXVIII. The salary of a judge shall continue to be paid to him in spite of his having been suspended from discharging his duties on account of a disciplinary enquiry, or criminal prosecution, having been instituted against him.

#### CHAPTER III.—PUBLIC PROCURATORS.

LXXIX. The public procurators shall be created by the Emperor or by his order.

Articles LXXVI. and LXXVII., shall also be applied to the public procurators.

The public procurator-general and chief public procurators shall be appointed, upon the nomination of the Minister of Justice, from among the public procurators created by the Emperor. The appointments of other public procurators shall be made by the Minister of Justice.

LXXX. The public procurators shall not against their will be dismissed, unless it be by virtue of a criminal sentence or a disciplinary punishment.

LXXXI. The public procurators cannot in any way interfere with the judges in the discharge of judicial duties, nor can they transact any judicial business.

LXXXII. The public procurators shall obey the orders of their official superiors.

LXXXIII. The public procurator-general, chief public procurators and head public procurators shall have the power to transact personally any business coming within the scope of the duties of a public procurator in any court within the limits of the respective districts in which they have authority to act.

They shall have the power, within the same limits, to transfer any business from the public procurator who should in the ordinary course transact it, to another public procurator.

LXXXIV. The members of the judicial police shall obey the orders issued to them officially by the public procurators within the territorial limits of their office, as well as orders issued to them by the official superiors of such public procurators.

The Department of Justice or the public procurators' offices, and the Department of the Interior or the local administrative authorities, shall in consultation together determine those members of the police force who shall act as judicial police within the district of each court, and shall receive and carry out the orders above mentioned.

#### CHAPTER IV.—COURT CLERKS.

LXXXV. The Courts shall be provided, in accordance with Article VIII, with a sufficient number of clerks.

There shall be at least one clerk for each judge in the local courts, and for each division in the collegiate courts.

LXXXVI. In the clerks' bureau of a district court, there shall be superintending clerk. In the clerks' bureau of an appeal court, and of the supreme court, there shall be a chief clerk.

In the clerks' bureau of a local court and of a public procurator's office, there shall, if there be more than one clerk, be a superintending clerk.

Superintending clerks and chief clerks shall, subject to the orders of their official superiors, direct and superintend the business in their respective bureaux.

LXXXVII. Any business transacted by a clerk, within the limits of the duties of such an official, shall not be invalidated by the mere fact that such business, according to the arranged distribution of business, ought to have belonged to another clerk.

LXXXVIII. Clerks shall be created and appointed by the Minister of Justice.

Chief clerks shall be created by the order of the Emperor.

The appointments of the chief clerks shall be made by the Minister of Justice.

LXXXIX. In order to be created a clerk, an examination must be passed as determined by Imperial Decree.

The particulars concerning the qualifications necessary for candidates in order to enable them to pass the examination, as

well as the particulars relating to such examination and the practical training to be gone through after passing the same, shall be determined by the Minister of Justice in the Regulations for the examination of court clerks.

XC. A candidate who has been created a clerk, shall, if there be no vacancy, be meanwhile appointed a supernumerary clerk.

A supernumerary clerk can temporarily be ordered to act as a clerk.

XCI. Clerks shall obey the orders of their official superiors.

In the sittings of the courts they shall obey the orders of the presiding judge, or, if there be only one judge, then of such judge.

They shall similarly when employed in a public procurator's office, or when attached to any judge or public procurator for any particular business, obey the orders of such office, or judge, or public procurator, as the case may be.

If the abovementioned orders concern the taking down of any statement, or the making or alteration of any written document or record, and in their opinion such making or alteration is not justified, they can attach thereto a note stating their own views.

The duties of clerks, excepting those mentioned in the above four paragraphs, and the manner in which their business is to be conducted, shall be determined by the Minister of Justice in the Regulations concerning clerks.

XCII. The president of a collegiate court, or the judge or or superintending judge of a local court, may temporarily authorise an aspirant under training in such court to transact the business of clerks.

In such cases such aspirant shall, when he must sign his name officially, note that he does so by virtue of a special authorisation.

XCIII. In the transaction of business, supernumerary clerks shall equally be competent with clerks, except that for which restrictions are made in the regulations for clerks.



## CHAPTER V.—PROCESS SERVERS.

XCIV. Each local court shall be provided in accordance with Article IX., with a sufficient number of process servers.

XCV. Process servers shall be created and appointed by the Minister of Justice. He can delegate to the president of an appeal court the power to create and appoint process servers to serve in the courts within the territorial jurisdiction of such appeal court.

The regulations concerning the qualifications necessary for being created a process server, and the examination for process servers shall be determined by the Minister of Justice.

XCVI. Process servers shall receive fees. If such fees do not amount to a certain sum, they shall receive an allowance.

XCVII. Process servers shall perform their duties anywhere within the territorial limits of the district court that has jurisdiction over the local court to which they belong.

XCVIII. All documents issuing from the court and requiring service shall, except in those cases in which the law permits service to be made directly or through the post by a clerk, be served by process servers.

Process servers shall, in criminal matters, carry into execution the decision of the Courts, so far as this is not done by the members of the police force.

The competency of process servers, except as mentioned in the above two paragraphs, shall be determined by the Codes of Procedure, or by special law.

XCIX. Process servers shall be required to give money security for the proper discharge of their duties.

The particular regulations for the duties of process servers, as well as the regulations concerning money security, shall be determined by the Minister of Justice.

C. Process servers shall obey the orders of clerks who have received the orders of the official superiors of the Court to which they belong, as well as of clerks who have received the

orders of the official superiors of the District Court having jurisdiction over that Court, and of the official superiors of any such clerks.

#### CHAPTER VI.—USHERS.

CI. Ushers shall be engaged and dismissed in the Supreme Court, Appeal Courts, and District Courts by the presidents of those Courts, and in the Local Courts by the presidents of the District Courts.

CII. Ushers shall be ordered to attend the sittings of the Courts and to transact such business as is laid down in the general regulations published by the Minister of Justice.

They may, in the event of the services of a process server not being procurable, be employed by a Local Court to serve documents at the place where such Court has its seat.

#### PART III.—THE TRANSACTION OF JUDICIAL BUSINESS.

##### CHAPTER I.—SITTINGS OF THE COURTS.

CIII. The sittings of the Courts shall be held at the Courts or branch divisions.

A Local Court may be ordered by the Minister of Justice, if circumstances should appear to him to require it, to perform its functions at fixed places within the territorial limits of such Court.

CIV. The presidency and the direction of proceedings shall belong, in the collegiate Courts to the presiding judge holding the sitting, and in the Local Courts to the judge holding the sitting.

The powers belonging to a presiding judge shall also be vested in any single judge when acting judicially.

CV. When a decision to suspend public trial is made by a Court, such decision with its reasons for so deciding, shall be delivered before the public is excluded, and the public shall in such cases be re-admitted when the judgment is to be delivered.

CVI. The presiding judge shall have the power, in spite

of suspension of public trial, to admit into the Court persons to whom he may see fit to give special permission.

CVII. The presiding judge can exclude from the Court women or children, as well as persons not properly dressed ; the reasons for such exclusion shall be recorded in the minutes of proceedings.

CVIII. The maintenance of order during the sitting of a Court shall rest with the presiding judge.

CIX. The presiding judge shall have the power to exclude from the Court any person who interrupts the trials, or who behaves himself improperly.

The presiding judge shall have the power, if the conduct of the above mentioned offender appears to him to require it, to order him to be taken into custody and to be detained until the end of the sitting, when the Court shall either order him to be set at liberty, or shall punish him with a fine not exceeding five *yen*, or with imprisonment not exceeding five days.

Against such punishment there shall lie no appeal except on the ground of error in law, and it shall be without prejudice to any criminal prosecution for such act, if it constitutes a delict or crime.

CX. The provisions of the preceding Article shall also be applied to parties, witnesses, and experts, subject to the following modifications :—

1. The Court may punish such an offender at once instead of at the end of the sitting.

2. The Court may, if the offender be a plaintiff, in addition to any punishment awarded, suspend the trial until he has purged himself, by apology or by obedience, of his contempt.

CXI. The presiding judge can prohibit an advocate who makes use of improper language from the exercise of his right to further address the Court in the same case. Such prohibition shall be without prejudice to any disciplinary prosecution for such conduct.



CXII. The powers conferred by Articles CIX., CX., and CXI., for the keeping of order in the sittings of the Courts, may also be exercised by a judge of preliminary examination or a commission judge or by an aspirant, when legally discharging the functions of such a judge.

In these cases a protest may be lodged with such judge or aspirant within twenty-four hours.

If the order has been made by a judge of preliminary examination or an aspirant commissioned by him, such protest shall be decided by the criminal division, or branch criminal division, of the Court to which such judge belongs, and if made by a commissioned judge, or an aspirant commissioned by him, by the Court which has commissioned such judge.

CXIII. When the powers conferred by Articles CIX., CX., CXI., and CXII. have been exercised, it shall be entered in the minutes of proceedings, as well as the reasons that necessitated it.

If in the above case the act constitutes a crime or delict, or is an act that should be punished disciplinarily, such entry shall contain full particulars, and a report shall be made by the presiding judge to the authorities competent to deal further with the matter.

CXIV. Judges, procurators, and court clerks shall, at sittings held in open court, wear the dress of office.

Advocates who take part in the proceedings in the above mentioned sittings, must also wear the dress of their profession.

## CHAPTER II. THE LANGUAGE OF THE COURTS.

CXV. In the Courts the Japanese language shall be used.

When a party or witness or expert is unacquainted with the Japanese language, an interpreter shall, where the Codes of Procedure or special law so require, be employed.

CXVI. Regulations concerning the appointment and employment of interpreters and the duties to be performed by them in judicial proceedings shall be determined by the Minister of Justice.

CXVII. When the services of an interpreter cannot be procured, court clerks may, with the consent of the presiding judge, be used to interpret, if they are acquainted with such language as it is necessary to interpret.

CXVIII. When the person interested in any action to which a foreigner is a party, and the officials who take part in the trial of such action are acquainted with a particular foreign language, the presiding judge may, if he deem it expedient, permit the oral proceedings to be conducted in such foreign language; but the official record of such proceedings shall be kept in the Japanese language.

### CHAPTER III.—DELIBERATION AND DELIVERY OF DECISION.

CXIX. Decisions of the collegiate Courts shall be deliberated by the fixed number of judges in accordance with this law.

CXX. In criminal trials which will probably last for more than three days, the president of the Court may appoint a supplementary judge to attend the trial. Such supplementary judge shall have the power, in case a judge should during such trial be prevented by sickness or other causes from further taking part in it, to take his place and conclude the trial and decision in his stead.

CXXI. The deliberations of the judges shall not take place in public, but supernumerary judges and aspirants may be admitted to be present.

The deliberations of the judges shall be opened and regulated by the judge who has presided at the trial of the case for which such deliberations are held. With respect to what takes place at such deliberations, as well as with respect to the opinion of each judge, and the number of the majority or minority, strict secrecy must be observed.

CXXII. In the deliberations, the judges shall deliver their opinions consecutively, commencing with the judge who is lowest in rank, and concluding with the presiding judge. If two or more judges should happen to have equal rank, the one

who is junior in age should deliver his opinion first, and with regard to a commissioned matter, the commissioned judge should deliver his opinion first.

CXXIII. The opinion of the absolute majority shall constitute the decision of the Court.

When, in respect to an amount of money to be determined, there are more than two different opinions, none of which obtains the absolute majority, the number of the opinions in favour of the largest amount is to be added to the number of those in favour of the next largest, and so on, until an absolute majority of opinion is obtained.

When, in respect to a criminal matter, there are more than two different opinions, none of which obtains the absolute majority, the number of opinions most unfavourable to the accused is to be added to the number of those next most unfavourable, and so on, until an absolute majority is obtained.

CXXIV. No judge can refuse to deliver his opinion on any question that has to be decided.

CHAPTER IV.—REGULATIONS FOR THE TRANSACTION OF  
BUSINESS IN THE COURTS AND PUBLIC PROCURATORS'  
OFFICES.

CXXV. The Regulations for the guidance of the courts and public procurators' offices shall be determined by the Minister of Justice.

The presidents of the Appeal Courts and chief public procurators shall, under the above mentioned Regulations, respectively issue instructions to the Courts and the public procurators' offices within their districts, for the general and as far as possible uniform transaction of business, and more particularly with regard to the hours during which the offices of the courts and the public procurators' offices should be open, and the hours and days of sittings of the courts.

The Supreme Court shall determine its own regulations for the transaction of business, but before putting the same in force shall obtain the approval thereto of the Minister of Justice.



## CHAPTER V.—THE JUDICIAL YEAR AND VACATION.

CXXVI. The judicial year shall commence on the 1st January and shall end on the 31st December.

CXXVII. The vacation of the courts shall commence on the 11th July and shall end on the 10th September.

CXXVIII. During the vacation civil proceedings other than the following, already begun, shall be stayed, and no fresh proceedings, other than the following, shall be commenced :—

1. Claims concerning bills of exchange, promissory notes, and other negotiable instruments.

2. Claims *in rem* against ships, freight, or cargo.

3. Seizure of any property.

4. Actions between lessors and lessees with respect to the entering into or giving up possession, or the use, or occupation, or repairing, of any dwelling-house or other building or of any part of a dwelling-house, or other building, or in respect to the detention of a lessee's furniture or effects by a lessor.

5. Claims for aliment.

6. Claims to obtain the giving of security.

7. Matters relating to continuation of the construction of a building already commenced.

8. Claims or matters other than those mentioned above which in the opinion of the judge of a Local Court, or in the opinion of the vacation division, or the president of such division as the Civil Code of Procedure may provide for, are of a sufficiently urgent nature to justify their being immediately proceeded with.

CXXIX. The vacation shall not suspend criminal proceedings, non-contentious proceedings, execution of judgments, proceedings in bankruptcy, and those proceedings which by the Civil Code of Procedure may be conducted in a summary manner.

CXXX. In the collegiate Courts one or more divisions, to be called vacation divisions, shall be constituted to transact business during the vacation.

The composition of such division or divisions shall be determined by the president of the Court before the commence-

ment of the vacation. Article XXIII, shall also be applied to such divisions.

#### CHAPTER VI.—JUDICIAL CO-OPERATION.

CXXXI. The Courts shall render each other legal assistance as provided for by the Codes of Procedure or by special law.

Such legal assistance shall, except when otherwise provided for by law, be rendered by the Local Court of the place where the business in question is required to be transacted.

CXXXII. Public procurators' offices shall similarly render each other legal assistance in the transaction of business required to be done within their respective territorial jurisdiction.

CXXXIII. Court Clerks' bureaux shall also render each other legal assistance in matters coming either within their own competency, or within the competency of the process servers under their orders.

#### PART IV.—JUDICIAL ADMINISTRATIVE DUTIES AND POWER OF SUPERVISION.

CXXXIV. The presidents of the collegiate courts, judges of local courts, and the public procurator-general, chief public procurators and heads procurators shall be the officials through whom the Minister of Justice shall perform the judicial administrative duties.

CXXXV. The exercise of the judicial administrative power of supervision shall be accomplished in accordance with the following provisions :—

1. The Minister of Justice shall have supervision over every court and public procurators' office.
2. The president of the Supreme Court shall have supervision over his court.
3. The presidents of the Appeal Courts shall have supervision over their courts and the inferior courts within the respective territorial jurisdiction of their courts.
4. The presidents of the Districts Courts shall have supervision over their courts or branch divisions of the courts, and the Local Courts within the respective territorial jurisdiction of their courts.

5. The single judges, or superintending judges, of the Local Courts shall have supervision over the clerks and process servers belonging to their courts.

6. The public procurator-general shall have supervision over his office and over the inferior public procurators' offices.

7. The chief public procurators shall have supervision over their offices, and the public procurators' offices, within the respective territorial jurisdiction of the Appeal Courts to which their offices are attached.

8. The head public procurators shall have supervision over their offices, and the public procurators' offices within the respective territorial jurisdiction of the District Courts to which their offices are attached.

CXXXVI. The power of supervision mentioned in the preceding Article shall include the following matters:—

1. To draw the attention of officials to any business that has been improperly or insufficiently transacted, and to instruct them to transact it in a proper manner.

2. To warn officials for any conduct unbecoming their position, whether in the discharge of their official duties or not; but before giving such warning the official must have had the opportunity of offering an explanation.

CXXXVII. The officials mentioned in Articles XVIII. and LXXXIV. shall be included in the officials over whom supervision is to be exercised by virtue of Article CXXXV.

CXXXVIII. When Article CXXXVI. cannot be applied to any official of the courts or public procurators' offices, who fails to properly discharge his duties, or whose conduct is unbecoming to his position, he shall be prosecuted according to the Disciplinary Law.

CXXXIX. The judicial administrative duties and power of supervision mentioned in the preceding Articles shall not be made use of to procure satisfaction from a judge or public procurator, of any claim brought against him, for anything done by him in his official or any other capacity.

CXL. Complaints made against the manner in which judicial business is transacted, and more particularly those against the manner in which any business is transacted or against



delay in transacting it, or refusal to transact it, shall be dealt with under the judicial administrative duties and power of supervision mentioned in this Part.

CLXI. The courts and public procurators' offices shall, when required by the Minister of Justice, or by the judge or public procurator having the power of supervision over them, give their opinion on any matter of a legal nature, or which concerns judicial administration.

CLXII. In a civil action brought against the judicial authorities, the public procurators' office of the court in which such action is brought, shall represent such authorities.

CXLIII. The provision of the preceding Articles mentioned in this Part shall not affect or limit the judicial power of the judges when acting judicially.

*J.W.M.*, 1890, Feb. 22, pp. 188-92.

9. REGULATIONS FOR CARRYING OUT THE LAW FOR THE CONSTITUTION OF THE COURTS OF JUSTICE.

(Law No. 22. March 18, 1890.)

I. Under the Law for the Constitution of the Courts of Justice existing Peace Courts will become Local Courts, Courts of First Instance will become District Courts, and the present Appeal Courts and the Supreme Court will continue under the same titles.

II. Public Procurators' offices of Courts of First Instance will become Public Procurators' offices of Districts Courts under the Law for the Constitution of the Courts of Justice. Public Procurators' offices of Appeal Courts and of the Supreme Court shall remain as hitherto.

III. Changes in towns and villages which are part of the territorial jurisdiction of Local Courts will affect said jurisdiction of such Courts.

IV. Civil or criminal suits which were begun before the enforcement of the Law for the Constitution of the Courts of Justice, and which have come under Local Court jurisdiction, shall be taken up by the competent Local Court, and such decisions as have already been given shall be assumed to have emanated from a Local Court.

V. Such cases as may have begun in an Appeal Court, but in accordance with the Law for the Constitution of the Courts of Justice have been transferred to the jurisdiction of a District Court, shall be decided by such Appeal Court; and appeals laid in the Supreme Court, though devolving under the Law for the Constitution of the Courts of Justice upon an Appeal Court, shall be decided by the Supreme Court.

VI. Criminal cases begun in a Court for the trial of major crimes, prior to the enforcement of the Law for the Constitution of the Courts of Justice, shall be transferred to a competent District Court, and decisions rendered in such cases shall be regarded as having been rendered in a District Court.

VII. Civil suits against heads of rural or urban districts, Kochō or chiefs of municipalities, towns or villages, begun in Courts of First Instance prior to the enforcement of the Law for the Constitution of the Courts of Justice, shall be judged by such (District) Courts even though, under the new Law they may come within the jurisdiction of Local Courts; and civil suits brought in an Appeal Court against a Department, Prefecture, City or other office prior to the enforcement of the new Law, shall be decided by such Appeal Court.

VIII. Criminal suits raised in the *Koto-Hō-in* (High Criminal Court) prior to the enforcement of the Law for the Constitution of the Courts of Justice shall be transferred to a competent Court. Cases which ought to come before the *Koto-Hō-in* and have yet been begun in an ordinary Court, shall be similarly disposed of.

IX. The Regulations as to the Summary Trial of Contraventions, promulgated by Notification No. 31, 1885, shall

not undergo any change in consequence of the enforcement of the Law for the Constitution of the Courts of Justice.

X. Laws which relate to the disposal of cases coming within the scope of the Common Code of Criminal Procedure, and the Military and Naval Codes of Criminal Procedure, Notification No. 12, 1885, shall not undergo any change in consequence of the enforcement of the Law for the Constitution of the Courts of Justice.

XI. Imperial Ordinance No. 64, 1881, shall continue in force.

When a Judge becomes temporarily unfitted to discharge his duties at a detached Local Court, the Clerk of Court may take upon himself the disposal of business connected with registry.

In localities such as Hokkaido or other islands, which are distant from Local Courts, the Minister of State for Justice may direct the heads of rural or urban districts or chief men of villages to take upon themselves the disposal of business connected with registry.

XII. In the Bonin Islands and the Seven Islands of Idzu, which are within the territorial jurisdiction of the Tōkyō District Court, civil or criminal suits which by their nature should come under the cognizance of a Local Court, or non-contentions matters, shall be disposed of by the officials of such islands until a District Court is opened. The procedure of a criminal suit, however, may be regulated according to convenience.

XIII. In Okinawa Prefecture civil or criminal suits which by their nature should come under the cognizance of a Local or District Court, or non contentious matters, shall be disposed of by the officials of that Prefecture. Such cases, however, as may come within the jurisdiction of an Appeal Court shall be dealt with by the Nagasaki Appeal Court.

XIV. Notifications No. 16 and 41, 1882, Notification No. 42, 1885, which refer to the trial of prisoners in the penitenti-



ries of Kabato, Sorachi, and Kushiro, who commit offences of the nature of or below misdemeanours, shall continue in force.

The trials referred to in the preceding paragraph shall be regarded as having taken place at a District Court.

XV. Regulations concerning trials by Consuls in China and Korea, Imperial Ordinance No. 31, 1888, shall not undergo any change in consequence of the enforcement of the Law for the Constitution of the Courts of Justice.

XVI. Judges or Public Procurators who hold office at the date of enforcement of the Law for Constitution of the Courts of Justice, need not possess the qualifications mentioned in Part II, Chapter I of the said Law.

XVII. Clerks who hold office at the date of enforcement of the Law for the Constitution of the Courts of Justice, need not possess the qualifications mentioned in Article LXXXIX, Part II Chapter IV, of the said Law.

XVIII. During three years subsequent to the date of enforcement of the Law for the Constitution of the Courts of Justice, the Minister of State for Justice may reduce the period of service of probationers to one year and a half, and those that have been appointed probationers under the Regulations for the Examination of Judges, Ordinance of the Daijōkwan, No. 102, and the Regulations for the Examination of Civil Officers, may be appointed Judges or Public Procurators without being required to pass a second examination.

XIX. During one year after the date of enforcement of the Law for the Constitution of the Courts of Justice, the Minister of State for Justice may fill offices, irrespective of the provisions of Articles LXIX and LXX, Part II, Chapter II, of the said Law.

XX. During one year after the date of enforcement of the Law for the Constitution of the Courts of Justice, officials who have held the office of Judge or Public Procurator, of Councillor or Assistant Councillor of the Sanjō-in, or have been higher officials (excepting in the Accountants' Bureau) of the Judicial Depart-

ment for three years or over, may be appointed Judges or Public Procurators.

XXI. Articles LXXIV. and LXXV. Part II, Chapter II, of the Law for the Constitution of the Courts of Justice, shall be applicable to Public Procurators.

*J.W.M.*, Mar. 29, 1890, p. 330.

#### 10. PENSION REGULATIONS.

(Law No. 43, June 20, 1890.)

I. Officials of or above *hannin* rank have the right to receive pensions under this Law, when they retire from office.

II. Officials who have been in office above fifteen years may receive life pensions subject to the following conditions:—

1. That they are permitted to retire after attaining sixty years of age.

2. That they are permitted to retire on account of wounds or sickness.

3. That they retire from office in consequence of the abolition of such office or department, or the increase or decrease of official business, or the termination of the term of *hishoku* (seconded list).

III. Officials who come under any of the following conditions will receive their pensions and may be granted additional pensions up to seven-tenths of the minimum sum of such pension, though the years of service may not amount to the term provided in the last article:—

1. That they have retired from office having lost the use of more than one member of the body or sustained some other like misfortune from wounds received in the discharge of their official business.

2. That they have retired from office in consequence of the loss of the use of more than one member of the body, or sustained some similar misfortune on account of sickness contracted while in the discharge of their duty.

IV. Should any Minister of State retire from office after a

term of service of more than three years, a pension will be given without respect to the limitations of Article II.

V. The annual amount of each pension will be decided in accordance with the salary of the official at the time he retires, and with the length of his service. The amount in the case of those who retire from office after service of more than fifteen years and less than sixty years, will be sixty two-hundred-and-fortieths ( $\frac{60}{240}$ ) of their yearly salary, to which one two-hundred-and-fortieth ( $\frac{1}{240}$ ) will be added for each full year after fifteen years up to forty years; pensions being reckoned at forty years for those whose service has been more than forty years, and at fifteen years for those whose service has been less than fifteen years.

The pensions of officials who retire in consequence of the expiry of the term of *hishoku*, will be calculated on the basis of the salary they were receiving when they were put on the *hishoku* list.

Additional salaries received by officials who hold additional appointments will not be taken into account in fixing the amount of their pensions.

In calculating pensions each fraction of a *yen* shall be reckoned as one *yen*.

VI. When injuries or sickness received or contracted in the public service become worse after retirement, whether the official has received a pension or not, a reasonable amount of pension will, after investigation, be granted in respect of the same, if the fact be announced to the authorities with full information within the following periods:—

1. Two years after retirement in the case of these who have lost the use of one limb, or sustained a like injury.
2. Three years after retirement in the case of those who have lost one limb, or the use of two limbs, or have become totally blind, or have lost two limbs, or have sustained like injuries.

VII. In the case of officials above *hannin* rank the term of



service will be reckoned from the month in which they are appointed to the month in which they retire.

In the case of officials who were appointed prior to August, 1871, the term of service shall be reckoned from that month, but when such officials retire, a sum of money representing half the monthly salary attaching to their offices in August, 1871, will be given for each year of service prior to July, 1871.

VIII. The following periods (months and days) shall be included in reckoning an official's term of office :—

1. Months of *shuts'shikwan* in the case of officials above *hannin* rank.

2. Days spent in service with the colours in the case of those military officials who have been appointed to civil offices, or those military officials who, having retired from service with the colours without receiving pensions, have been appointed to civil offices.

3. Periods spent in active service.

4. Months of *hishoku* or *kyushoku*.

5. Months of service in former offices in the case of officials reappointed after retirement.

6. Months of service in offices above *hannin* rank in the Household Department by officials who have been transferred from that Department to civil offices, or who after retirement from the Imperial Household Department have been appointed to civil offices.

IX. The following periods (months and days) shall not be included in reckoning an official's term of service.

1. Months of service as a minor (under the age of 20).

2. Months of service as a probationer for a higher civil office or an office of *hannin* rank.

3. Months of service in an office the salary attaching to which is not paid by the government—except in the case of clerks of rural or urban districts; and months of service in an office where an official may engage in trade.

4. Months of service as *goyogakari*, employee, *togwai*, *shuts'shi*, and *kiushi*.

5. Days which would be reckoned under the Law as to Soldiers' Pensions, Article VIII., 2.

6. Months of former service in the case of an official who has been reappointed after retiring for his own convenience,

or after being removed by way of correction by criminal judgment.

X. In the case of civil officials who have been on active service, the period of such service shall be reckoned additionally, in accordance with the method of computation laid down in the Law as to Soldiers' Pensions.

XI. In the case of officials who are in receipt of pensions, but who are reappointed and again retire after service of over one year, pensions will be given under the following conditions:—

1. Should the salaries attached to the former office and to the latter office differ, the two terms will be added, and a pension given on the basis of the larger salary.

2. Should the salaries be equal, the pension shall be increased in accordance with the aggregate terms of service, but in the case of those who at the outset received pensions for less than fifteen years' service, no increase will be allowed unless the aggregate term of service is over sixteen years.

XII. Should a pensioner be punished for a grave offence (*juzai*) or lose status as a Japanese subject, the pension shall be stopped. Pensions shall also be stopped under the following conditions:—

1. When a pensioner again becomes the recipient of a government salary by being appointed to an office above *hannin* rank. The rule shall not apply, however, should such office allow of trade being engaged in.

2. When a pensioner's public rights are suspended.

XIII. When an official retires from office for his own convenience before his sixtieth year, or is removed by way of correction or criminal judgment, he shall lose his right to a pension.

Officials who retire from office in order to become members of any assembly established by law shall not lose their right to a pension.

XIV. Officials who do not receive salaries from the government, who may carry on trade, or who are probationers for higher civil offices or offices of *hannin* rank, shall not have any

right to a pension. Clerks of urban and rural districts, however, are excepted.

Officials who may engage in trade, and probationers for higher civil office, or offices of *hannin* rank (as mentioned in Article III. of this Law), may in case of injury or sickness sustained or contracted in the public service, be granted during life a pension equal to one-fourth of their salary at the time they retired or were removed or dismissed from their office.

XV. The term during which a pension is to be paid shall be reckoned from the month of retirement to the month of death.

XVI. The right to a pension shall lapse if not claimed within three months after it has begun to operate.

XVII. The granting of pensions shall be decided by the Minister President of State, after due investigation by the Pension Bureau, and on certificates by the chiefs of the respective offices or departments.

Officials who think their rights have not been properly dealt with administratively, may within six months memorialize the Pension Bureau to that effect, and may within one year raise an action in the Administrative Court. On the following points, however, the decision of the Pension Bureau shall be final:—

1. Cause and extent of injuries or sickness.
2. As to an official's fitness to continue in the public service.

XVIII. A pension cannot be sold, transferred, mortgaged, or hypothecated, nor can it be seized as security for debt.

XIX. Persons who have received pensions under the Regulations relating to Pensions of Officials, promulgated in 1884, shall observe those Regulations. Any question however, as to the extinction or suspension of the right to a pension shall be decided in accordance with the present law.

XX. In the case of persons who retire from office before this law comes into force, pensions shall be given under the Regulations as to the Pensions of Officials (1884). The right to a pension shall, however, be regarded as relinquished should it



not be claimed within three years from the date on which this law comes into force.

XXI. This law shall come into force on and after the 1st day of the 7th month of the 23rd year of Meiji (July 1st, 1890), when all former laws or decrees conflicting with this law shall be repealed.

*J.W.M.*, 1890, June 28, p. 657.

## II. REGULATIONS FOR THE PROMULGATION OF PUBLIC DOCUMENTS.

(Imp. Ord. No. 1, 1886.)

### FORMS TO BE OBSERVED FOR PUBLIC DOCUMENTS.

#### I. LAWS AND ORDINANCES.

I. All laws and Imperial ordinances shall be promulgated with a sanction clause of His Imperial Majesty.

As to laws that require the previous deliberation of the Senate, the existing practice shall continue in force as in the past.

II. Every law and Imperial ordinance shall be drafted in the Cabinet, and in some cases, to be laid before the Cabinet, may also be prepared by any Minister of any of the respective Departments. But in all cases such drafts shall be submitted by the Minister President of State to His Majesty, that he may obtain thereto His Majesty's sanction.

III. Every law and Imperial ordinance shall receive His Majesty's Sign-manual and shall bear the Privy Seal; it shall also be dated and countersigned by the Minister President of State.

However, when a law or ordinance relates to some particular matter within the competence of some one or other of the Ministers of State, then the Minister President of State, together with the competent Minister shall countersign it.

IV. The Minister President of State and each Minister of the respective Departments are, by virtue of their functionary powers or by that of some powers specially delegated to them and within the limits of laws and Imperial ordinances, competent to issue Cabinet ordinances and Departmental ordinances for the purpose of regulating details connected with the enforcement of laws and Imperial ordinances, and for that of maintaining the public peace and order.

V. Cabinet ordinances shall be issued by the Minister President of State; Departmental ordinances shall be issued by the Ministers of the respective Departments.

VI. Cabinet ordinances shall be dated and signed by the Minister President of State.

VII. Departmental ordinances shall be dated and signed by a Minister of one of the respective Departments.

VIII. All regulations applicable in common to every one of the government offices, shall be issued by the Minister President of State, and regulations for individual offices for the conduct of their business, by the competent Minister to whom control of the office belongs.

IX. Articles VI. and VII. shall apply to all instructions to be issued by the Minister President of State, or by a Minister of one of the respective Departments, to the officials under his control or to those under his supervision.

## II. PROMULGATION.

X. Every law and ordinance shall be promulgated through the medium of the *Official Gazette*, and its operation shall be commenced on the seventh day after the arrival of the said *Gazette* at the Government offices of the cities and prefectures, counting from the fixed number of days allowed for such arrival.

The fixed number of days for the arrival of the *Official Gazette*, shall be in accordance with Notification No. 14 of the 2nd day of the 5th month of the 18th year of Meiji (1885).

XI. In case of the non-arrival of the *Official Gazette* within the fixed number of days, by effect of the elements or other unavoidable cause, the operation of the law or ordinance shall commence from the day following the one after the actual arrival of the *Gazette*.

XII. For the Hokkaido and Okinawa Prefecture, the number of days for the arrival of the *Gazette* has not been fixed. However, the operation of a law or ordinance shall commence from the day following the one of the actual arrival of the *Gazette* at the district office or the prefectural office.

For localities in an insular position the operation of a law or ordinance shall commence from the day following the one of the actual arrival of the *Gazette* at the office of the district.

XIII. Articles X., XI., and XII. herein shall not apply to those laws and ordinances that contain special provision for their operation from the very day of their promulgation or from a date specially named therein.

### III. SEALS.

XIV. The Seal of State and the Privy Seal shall be in the custody of the Nai-dai-jin (Lord Keeper of the Seals).

The Seal of State or the Privy Seal shall be affixed by the Nai-dai-jin after His Majesty has set His Sign-manual.

XV. To laws and ordinances the Privy Seal shall be affixed after His Majesty has set His Sign-manual thereto.

XVI. To letters of credence, ratifications of treaties, letters of authorisation to functionaries sent abroad, to exequaturs and to patents of decoration above the fourth class, the seal of State shall be affixed after His Majesty has set His Sign-manual thereto.

Patents of decoration of the fourth class or under shall bear the Seal of State only.

XVII. Appointments of the *chokumin* rank shall be by letters patent bearing the Privy Seal; as to those of the *sonin*



rank, the Privy Seal shall be affixed to the official recommendations of such appointments.

*J.W.M.*, 1886, Mar. 6, p. 231.

## 12. JAPANESE NOMENCLATURE.

### CENTRAL GOVERNMENT

Seifu ... ..	The Government (generally).
Daijōkwan ... ..	The Council of State.
Sangi ... ..	Privy Councillors.
Naikaku (less formal) ... ..	The Privy Council or Cabinet.
Daijō-Daijin ... ..	First Minister of State.
Sa-Daijin ... ..	Second "
U-Daijin ... ..	Third "

### SECTIONS OF THE PRIVY COUNCIL

Hosei Bu ... ..	Legislative Section.
Kwaikei Bu ... ..	Finance "
Gunji Bu ... ..	War "
Naimu Bu ... ..	Home Affairs Section.
Shihō Bu ... ..	Justice "
Gwaimu Bu ... ..	Foreign Affairs Section.

### SENATE

Genro-in ... ..	The Senate.
Gichō ... ..	President of the Senate.
Genro-in Kanji ... ..	Official Chief of the Senate.
Gikwan ... ..	Members of the Senate.

### VARIOUS OFFICES

Shokun Kyoku ... ..	Decorations Bureau.
" Chōkwan ... ..	President of the above.
Giteikwan ... ..	Councillors.
Kwaikei Kensain ... ..	Board of Audit.
" Chō ... ..	President of the above.
" Kanji ... ..	Official Chief of the above.

Kwaikei Kensakwan ... ..	Audit Commissioners.
Shiushikwan ... ..	National Record Office.
„ Sōsai ... ..	Keeper of National Records.
Henshiukwan ... ..	Recording Secretaries.
Shirikiyoku ... ..	Board of Adjudication.
Shirikiyoku I-incho ... ..	President of the above.
„ I-in ... ..	Members of the above.
„ Shuji ... ..	Permanent Officer of the above.
Naikaku Shokikwan Kyoku.	Cabinet Secretariat.

## ADMINISTRATIVE DEPARTMENTS

## THE GWAIMUSHŌ

Gwaimu-shō ... ..	Department of Foreign Affairs.
Gwaimu-kyo ... ..	Minister of Foreign Affairs.
Gwaimu-tayu ... ..	Vice-Minister of Foreign Affairs.
Gwaimu-shoyu ... ..	Assistant Vice-Minister.
„ Dai-shokikwan ...	Chief Secretaries.
„ Gon-dai-shokikwan.	Assistant Chief Secretaries.
„ Shō-shokikwan ...	Secretaries.
„ Gon-shō-shokikwan	Assistant Secretaries.

(In the Department of Foreign Affairs and in the Kaita kushi there were no bureaux, properly so called, as in the other Departments. In those two offices the work was apportioned by the Chiefs; the divisions so made were not publicly notified, and were therefore not of sufficient importance to call for enumeration here.)

## THE NAIMUSHŌ

Naimu-shō ... ..	Department of Home Affairs.
Naimu-kyō... ..	Minister for Home Affairs.

(The titles for Vice-Ministers, etc. are the same in all cases.)

## BUREAUX

Naikyoku ... ..	Private Secretariat.
Keiho-kyoku ... ..	Police Bureau.
Kwanno-kyoku ... ..	Agriculture Bureau.
Chiri-kyoku ... ..	Topographical Bureau.

Koseki-kyoku	...	...	...	Census Bureau.
Shaji-kyoku	...	...	...	Public Worship Bureau.
Doboku-kyoku	...	...	...	Engineering Bureau.
Yeisei-kyoku	...	...	...	Sanitary Bureau.
Tosho-kyoku	...	...	...	Press Bureau.
Hakubutsu-kyoku	...	...	...	Museum Bureau.
Shomu-kyoku	...	...	...	Miscellaneous Bureau.
Torishirabe-kyoku	...	...	...	Examiners' Bureau.
Sanrin-kyoku	...	...	...	Forests Bureau.
Kangoku-kyoku	...	...	...	Prisons Bureau.
Kwaikei-kyoku	...	...	...	Accountants' Bureau.
Chō (added to the name of an office)...	...	...	...	Director of a Bureau.

## BUREAUX SEMI-DEPENDENT OF THE NAIMUSHŌ

Keishi-chō	...	...	...	Board of Police.
Keishisokwan	...	...	...	Superintendent General of Police.
Yekitei-kyoku	...	...	...	General Post Office.
Yekitei-sokwan	...	...	...	Post-Master General.

## THE ŌKURASHŌ

Ōkura-shō	...	...	...	Finance Department.
Ōkura-kyo	...	...	...	Minister of Finance.

## BUREAUX

Shoki-kyoku	...	...	...	Secretariat.
Gi-an	„	...	...	Drafting Bureau.
Sozei	„	...	...	Inland Revenue Bureau.
Kwanzei-kyoku	...	...	...	Customs Bureau.
Shomu	„	...	...	Commerce Bureau.
Kokusai	„	...	...	National Debt Bureau.
Suito	„	...	...	Accountant General's Bureau.
Zohei	„	...	...	Mint Bureau.
Insatsu	„	...	...	Government Printing Bureau.
Johci	„	...	...	Storage of Grain Bureau.
Kiroku	„	...	...	Record Bureau.



Chosa-kyoku	...	...	...	Auditor General's Bureau.
Ginko	"	...	...	Banking Bureau.

## THE RIKUGUNSHŌ

Rikugun-shō	...	...	...	War Department.
Rikugun-kyo	...	...	...	Minister of War.

## BUREAUX

Kyo Kwambo	...	...	...	Minister's Secretariat.
Somu-kyoku	...	...	...	Miscellaneous Business Bureau.
Jin-in	"	...	...	Staff
Hohei	"	...	...	Artillery
Kwaikei	"	...	...	Military Accountants'
Konoye	"	...	...	Imperial Guard
Gumba	"	...	...	Military Stables
Kohei	"	...	...	Engineers
Sanbo Hombu	...	...	...	Head Quarters Staff Office.
"	"	Chō	...	Chief of Staff.
Kangun Hombu	...	...	...	Inspector General's Office.
"	"	"	...	Inspector General of the Army.
Gun-i Hombu	...	...	...	Army Medical Staff Office.
"	"	"	...	Chief of the Army Medical Staff.
Rikugun Saibansho	...	...	...	Army Court-Martial Office.

## THE KAIGUNSHŌ

Kaigun-shō	...	...	...	Navy Department.
Kaigun-kyo	...	...	...	Minister of the Navy.

## BUREAUX.

Gunma-kyoku	...	...	...	Staff Bureau.
Kwaikei	"	...	...	Accountants' Bureau.
Shusen	"	...	...	Dockyards
Suiro	"	...	...	Hydrographical
Imu	"	...	...	Medical
Heiki	"	...	...	Arsenals
Kaigun Saibansho	...	...	...	Naval Court-Martial Office.

## THE MOMBUSHŌ

Mombu-shō	...	...	...	Education Department.
Mombu-kyō	...	...	...	Minister of Education.

## BUREAUX

Kwanritsu Gakumu Kyoku.				Government Schools and Colleges Bureau.
Chiho	"	"		Local Schools and Colleges Bureau.
Henshiu				Archives Bureau.
Hokoku		"		Reports and Statistics "
Kwaikēi		"		Accountants' "

## THE KOBUSHŌ

Kobu-shō	...	...	...	Public Works Department.
Kobu-kyoku	...	...	...	Minister of Public Works.

## BUREAUX

Kozan-kyoku	...	...	...	Mines Bureau.
Tetsudo	"	...	...	Railways "
Todai	"	...	...	Lighthouse Bureau.
Denshin	"	...	...	Telegraphs "
Kosaku	"	...	...	Engineering and Manufactures Bureau.
Yeisen	"	...	...	Buildings and Manufactures Bureau.
Kwaikēi-kyoku	...	...	...	Accountants' and Manufactures Bureau.
Kensa	"	...	...	Auditors' and Manufactures Bureau.
Soko	"	...	...	Stores and Manufactures Bureau.
Shoki	"	...	...	Secretariat and Manufactures Bureau.

## THE SHIHŌSHŌ

Shihō-shō	...	...	...	Department of Justice.
Shihō-kyō	...	...	...	Minister of Justice.

## BUREAUX

Giji-kyoku ... ..	Council Bureau.
Keiji „ ... ..	Criminal Matters Bureau.
Minji „ ... ..	Civil „ „
Daishin-in ... ..	Supreme Court of Judicature.
Jōtō Saibansho ... ..	Superior Courts.
Saibansho ... ..	Courts (of first instance).
Kenji-kyoku ... ..	Offices of the Advocate General (in every Court).

## THE KUNAISHŌ

Kunai-shō ... ..	Department of the Imperial Household.
Kunai-kyo ... ..	Minister of the Imperial Household.
Shikibu-shō... ..	Board of Ceremonies.
Shikibu-no-kami ... ..	Master „

## THE KAITAKUSHI.

Kaitaku-shi... ..	Colonisation Department.
„ Chōkwan ... ..	Chief of the Colonisation Commission.

(For Bureaux in this department see note on the subject in connection with the Department of Foreign Affairs.)

## OFFICIAL GRADES

Chokunin ... ..	First Grade, includes officers of the first three classes, appointed directly by the Emperor.
Sonin ... ..	Second Grade, includes officers of the 4th to 7th classes appointed by the First Minister.
Hannin ... ..	Third Grade, includes officers of the 8th to the 17th classes, appointed by Ministers of Departments, Governors or Prefects, or Chiefs of independent or semi-independent Boards, Bureaux, etc.



## TERMS RELATING TO LOCAL ADMINISTRATION.

Fu	...	...	City.
Fu-chiji	...	...	Governor of a city.
Fu-chō...	...	...	Governor's Office.
Ken	...	...	Prefecture.
Ken-rei...	...	...	Prefect.
Ken-cho	...	...	Prefect's Office.
Daishokihwan	...	...	Secretaries.
Shōshokikwan	...	...	Assistant Secretaries.
Gun (kori)	...	...	Rural Division (in city or prefecture).
Gun-chō	...	...	Magistrate of the above.
Gun-yakusho	...	...	Magistrate's Office.
Ku	...	...	Urban Division (in city or prefecture).
Ku-chō...	...	...	Magistrate of the above.
Ku-yakusho...	...	...	Magistrate's Office.
Chō	...	...	Urban District within a Division either Urban or Rural.
Son	...	...	Rural District, within a Division either rural or urban.
Kuchō	...	...	Headman of a District rural or urban.
Kochō-yakusho	...	...	District Office, rural or urban.

LEGISLATIVE AND ADMINISTRATIVE  
NOTIFICATIONS AND DOCUMENTS.

Fukoku	Imperial Decree, a legislative enactment emanating from the Emperor, signed by the First Minister of State, and applicable to the empire at large—the vehicle of the most important laws.
Futatsu	Government Proclamation or Proclamation, an act of subsidiary legislation emanating from the Minister of a Department, from the Chief of an independent Board or Bureau, or from a Governor or Prefect, upon matters within the quasi-legislative powers delegated to him by the constitution, and applicable to the empire at large or the prefecture, etc. as the case may be, and having (within the limits thus ascertained)

the force of law. Also a government advertisement in certain cases.

- Tasshi Notification, (1) Administrative Instruction emanating from administrative officers, from the Minister of State downwards, addressed to subordinate officers, and, though conveying an order or serving as an authorisation to them, not having the force of law; (2) Also an Administrative Decree or Order within the legal competency of an administrative officer to address to private persons, and having so far the force of law.
- Shirei Order, a direction endorsed by an administrative authority from the highest to the lowest upon any application, memorial or enquiry from a subordinate or private person.
- Ho Jōrei Statutes, Organic Laws, Standing Regulations, including only such laws or regulations as are issued under an Imperial Decree or Imperial Notification.
- Kisoku Rules or Regulations, including some issued by Imperial Decree as well as those issued by a Government Proclamation, and sometimes applied to the contents on an Instruction or Administrative Decree.
- Kempaku Memorials, addressed to the Government, or by an inferior to a superior.
- Negai Petitions, from an inferior office or officer to a superior one, or from a private person, in a matter requiring official sanction, authority or intervention.
- Ukagai Applications or Inquiries, between the same parties and relating to matters of the same nature as in the case of Petitions.
- Todoke Informations, lodged by an inferior officer or office with superiors, or by a private person.
- Hokoku Reports, Returns, Official Statements, etc.

*J.W.M.*, 1881, March 26, pp. 335-37.

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